



General Assembly

February Session, 2012

**Amendment**

LCO No. 3611

**\*SB0024303611SR0\***

Offered by:  
SEN. SUZIO, 13<sup>th</sup> Dist.

To: Senate Bill No. 243

File No. 331

Cal. No. 263

**"AN ACT CONCERNING CERTIFICATES OF MERIT."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective July 1, 2012*) (a) The Department of Public  
4 Health shall issue an expert witness certificate authorizing a physician  
5 who holds an active and valid license to practice medicine in another  
6 state to provide expert testimony in this state, if the physician submits  
7 to the department:

8 (1) A complete application, on such form as the department  
9 prescribes, containing the physician's name, mailing address,  
10 telephone number and business locations, the jurisdictions where the  
11 physician holds an active and valid license to practice medicine, and  
12 the license number or other identifying number issued to the physician  
13 by such jurisdictions' licensing entities; and

14 (2) An application fee of fifty dollars.

15 (b) The department shall approve an application for an expert  
16 witness certificate not later than ten business days after receiving a  
17 completed application and payment of the application fee if the  
18 applicant holds an active and valid license to practice medicine in  
19 another state and has not had a prior expert witness certificate revoked  
20 by the department. An application shall be deemed approved if the  
21 department does not deny the application prior to the expiration of  
22 said ten-day period.

23 (c) An expert witness certificate shall be valid for two years after the  
24 date of issuance.

25 (d) A physician who holds a valid expert witness certificate may:

26 (1) Provide a written opinion pursuant to section 52-190a of the  
27 general statutes, as amended by this act; and

28 (2) Testify as an expert pursuant to subsection (d) of section 52-184c  
29 of the general statutes, as amended by this act.

30 (e) An expert witness certificate does not authorize a physician to  
31 engage in the practice of medicine in this state. A physician issued an  
32 expert witness certificate under this section who does not otherwise  
33 practice medicine in this state is not required to obtain a license under  
34 chapter 370 of the general statutes or pay any license fees or provide  
35 information to the department pursuant to the health care provider  
36 profile established in section 20-13j of the general statutes. The  
37 department may suspend or revoke an expert witness certificate for  
38 good cause after providing notice and an opportunity for a hearing  
39 under chapter 54 of the general statutes.

40 (f) The department may adopt regulations, in accordance with  
41 chapter 54 of the general statutes, to implement this section.

42 Sec. 502. Subsection (d) of section 52-184c of the general statutes is  
43 repealed and the following is substituted in lieu thereof (*Effective July*  
44 *1, 2012*):

45 (d) Any health care provider may testify as an expert in any action if  
 46 he: (1) Is a "similar health care provider" pursuant to subsection (b) or  
 47 (c) of this section; [or] (2) is not a similar health care provider pursuant  
 48 to subsection (b) or (c) of this section but, to the satisfaction of the  
 49 court, possesses sufficient training, experience and knowledge as a  
 50 result of practice or teaching in a related field of medicine, so as to be  
 51 able to provide such expert testimony as to the prevailing professional  
 52 standard of care in a given field of medicine; or (3) holds a valid expert  
 53 witness certificate issued pursuant to section 501 of this act. Such  
 54 training, experience or knowledge under subdivision (2) of this  
 55 subsection shall be as a result of the active involvement in the practice  
 56 or teaching of medicine within the five-year period before the incident  
 57 giving rise to the claim."

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| This act shall take effect as follows and shall amend the following sections: |              |             |
| Sec. 501  | July 1, 2012 | New section |
| Sec. 502  | July 1, 2012 | 52-184c(d)  |