



Judiciary Committee

Connecticut Raised Bill 1154 An Act Concerning The Accidental Failure of Suit Statute

April 1, 2013

This statement regarding Raised Bill 1154 is submitted by ProSelect Insurance Company ("ProSelect"), a subsidiary company of Medical Professional Mutual Insurance Company ("ProMutual"), and a Coverys member company. ProSelect began writing medical professional liability insurance in Connecticut in 1997, and as of December 31, 2012 provides coverage to over 3,167 physicians, certified nurse midwives and other health care providers which includes 21 facilities in the state. For 2012, ProSelect had approximately \$44.3 million in direct written premium in Connecticut. Medical Professional Mutual Insurance Company, ProSelect's parent company, and ProSelect, hold an A (Excellent) rating from A.M. Best. ProSelect is directed by a Board comprised of a majority of physicians.

We submit these comments in opposition to Raised Bill 1154 and urge the Committee to reject the bill.

Raised Bill 1154 seeks to amend Connecticut's Accidental Failure of Suit Statute, Gen. Stat. Section 52-592, to allow plaintiffs in medical professional liability suits a second chance to initiate suit, if in the initial suit, the plaintiff has not complied with the certificate of merit filing requirements of Section 52-190a, Connecticut's Good Faith Statute as amended by Public Act 05-275 ("An Act Concerning Medical Malpractice") in 2005. As such, the bill negates the current requirement that a medical professional liability complainant must submit a certificate of merit supporting his or her claim in a timely manner.

We see the bill as another attempt in addition to Raised Bill 6687, currently under consideration by this Committee, to weaken the state's Certificate of Merit requirement. As such, we oppose this bill for the same reasons iterated in our comments opposing Raised Bill 6687. Because we understand that some courts in the state already apply the certificate of merit requirements somewhat leniently, there would seem to be no reason to legislate such practice – thus we would suggest that the legislation is unnecessary from a practical standpoint.

Thank you for your consideration of our comments. As always, ProSelect is available to work with you and is ready to provide any additional information as you deliberate on this matter.