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AMERICAN ASSOCIATION OF CLINICAL UROLOGISTS

TESTIMONY IN OPPOSITION

HB 6687, An Act Concerning Certificates of Merit

SB 1154, An Act Concerning The Accidental Failure of Suit Statute

Before the Joint Committee on Judiciary

April 1, 2013

The American Association of Clinical Urologists (AACU) appreciates the opportunity to submit testimony in opposition to HB 6687 and SB 1154.

HB 6687: The current requirement of Section 52-190a that the author of an opinion letter filed in support of a medical malpractice claim be "a similar health care provider" as the defendant health care provider should be maintained. Medicine is a complex and ever-changing discipline, and that is the major reason why the practice of medicine is broken down into specialties. We as urologists are called upon by our peers to treat their patients' urological conditions because of our training and expertise in urology. The same is true, respectively, for cardiologists, obstetricians, neurologists, internists, surgeons, radiologists, and so forth. These various specialists, in turn, gain the recognition of expertise in their particular specialty by completing and passing a rigorous board-certification process. Such a level of expertise should likewise be required of the author of an opinion letter filed in support of a medical malpractice claim. The prevention of frivolous and meritless medical malpractice claims should begin with such a requirement. In addition, the expert specialist author of the opinion letter should also be required to provide a detailed basis for the opinion that there appears to be evidence of medical negligence, and not just tersely "indentif[y]" a supposed breach of the standard of care. These measures also afford plaintiff patients the assurance that their lengthly and emotional lawsuit is supported, not only by the opinion of their attorney, but also by the opinion of someone who has been recognized as an expert among the peers of the defendant health care provider. As such, HB 6687 should be opposed.

SB 1154: SB 1154 is simply an unwarranted attempt to extend the statute of limitations for medical malpractice claims for those who fail to comply with Section 52-190a. As the Supreme Court explained in *Plante v. Charlotte Hungerford Hospital*, Section 52-592 affords relief to plaintiffs who fail to comply with Section 52-190a due to "mistake, inadvertence or excusable neglect," but not "egregious and blatant" conduct. Accordingly, the net effect of SB 1154 would be to simply reward "egregious and blatant" conduct by granting those who engage in it an additional year to the statute of limitations. SB 1154 should be opposed.

HB 6687 and SB 1154 take Connecticut backwards, and undermine the reforms that were passed eight years ago. Physicians in Connecticut face enough challenges with physician shortages, Medicare cuts, and the challenges of implementing the Affordable Care Act. They should not be further burdened with the passage of these bills. The AACU respectfully requests that you oppose HB 6687 and SB 1154. Again, the AACU appreciates the opportunity to provide this testimony.