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The Connecticut Society of Plastic
& Reconstructive Surgeons

**Testimony of Dr. Patrick Felice, President of the Connecticut Society of Plastic &
Reconstructive Surgeons
Before the Judiciary Committee
On April 1, 2013**

S.B. No. 6687 AN ACT CONCERNING CERTIFICATE OF MERIT.

Good Morning Senator Coleman, Representative Fox and distinguished members of the Judiciary Committee. My name is Patrick Felice and I am a practicing board certified Plastic Surgeon in Bloomfield, Connecticut and the current President of the Connecticut Society of Plastic & Reconstructive Surgeons. I am submitting testimony today in opposition to SB 6687 An Act Concerning Certificates of Merit.

The Connecticut Legislature first enacted C.G.S 52-190a the "Certificate of Merit" statute in response to a crisis in health care whereby providers were unable to obtain medical malpractice insurance and many were being forced to discontinue practicing in Connecticut.

The purpose of the statute was to increase access to malpractice insurance by reducing frivolous actions and requiring plaintiffs and their counsel to certify that they had a "good faith" basis for bringing a lawsuit. To ease the burden on prospective plaintiffs and their counsel, the Legislature provided for an automatic 90-day extension of the statute of limitations to allow plaintiffs and their counsel extra time to conduct the "good faith" inquiry. Because the 1986 legislation did not require a plaintiff to verify his "good faith" by consulting a qualified expert prior to filing suit, the Good Faith statute did very little to actually stop the filing of frivolous suits and the malpractice insurance situation continued to get worse for physicians.

In response to this "crisis," the legislature strengthened the statute in 2005 as part of malpractice "reform." This legislation provided little in the way of true reforms but did require the plaintiff to obtain a written opinion from a "similar health care provider" prior to filing suit. This is an important provision as the standard of care is very specific in relation to certain procedures. In other words, a gynecologist is not the best person to consult in relation to whether the standard of care was met on a plastic surgery case. The "similar health care provider" provision in the statute is an "apples to apples" requirement.

As a physician who has practiced for over 20 years, I am deeply concerned that SB 6687 will exacerbate an already difficult malpractice environment and remove any assurance that a case is reviewed by an expert qualified to render an appropriate opinion. The requirement to have experts in the same field is as vital to this bill as the heart is to the human body.

In closing, I urge you to oppose SB 6687 as it will eliminate even the minor improvements negotiated in 2005 while retaining everything the medical community conceded to in order to achieve even these limited protections.

Thank you for your consideration.