

EM

Fairfield County Medical Association

Physicians Dedicated to a Healthier Fairfield County

917 Bridgeport Avenue • Shelton, CT 06484 • Tel: 203-513-2045 • Fax: 203-513-8036
Email: info@fcma.org • Website: www.fcma.org



Memorandum of Opposition

Raised House Bill 6687
An Act Concerning Certificates of Merit
Judiciary Committee
April 1, 2013

The members of the Fairfield County Medical Association strongly oppose Raised Bill 6687 which will seriously weaken the protections afforded by the current Certificate of Merit process in a medical liability action. If passed, it will eventually lead to significantly higher medical liability premium rates in the state of Connecticut. Access to medical care would also be negatively impacted.

In 2005, as part of the omnibus landmark legislation designed to deal with the medical liability crisis, the Connecticut General Assembly approved the current process for obtaining a Certificate of Merit. Even though the current Certificate of Merit process has worked well to assure that only meritorious claims have been brought against Connecticut's health care providers, more, not less, should be done to further prevent frivolous claims. This is important because Connecticut physicians still pay some of the highest medical liability premiums in the country.

- Any "qualified" health care provider is a lower standard than a "similar" health care provider. It makes sense that an expert with a similar medical specialty and credentials as the defendant can sign the Certificate. Any "qualified" health care provider is an expert, who merely possesses in the court's discretion, sufficient training, experience and knowledge as a result of practicing or teaching in a related field of medicine.
- The bill would substantially lower the content requirements in the Certificate of Merit. Experts would no longer be required to provide a detailed basis for their opinion and instead it would allow an expert to merely submit a conclusory statement that identifies one or more breaches of the standard of care.
- The bill would also allow a claimant an additional sixty-day period to file a Certificate should the claimant have neglected to have originally complied with the statute. This provision undermines the purpose of the Certificate of Merit, which is to ensure there is a good faith review into the merits of the claim prior to it being filed.

This bill will exacerbate the filing of more frivolous medical liability claims which, in turn, will increase the professional medical liability insurance. The high cost of medical liability insurance is already a major deterrent to the recruitment of new physicians in the state. With implementation of the Patient Protection and Affordable Care Act, which will significantly increase the number of patients with health insurance, Connecticut will need more, not fewer physicians. For these reasons, we urge your rejection of Raised Bill 6687.