CBIA CONNECTICUT BUSINESS & INDUSTRY ASSOCIATION

TESTIMONY
BEFORE THE
JUDICIARY COMMITTEE
LEGISLATIVE OFFICE BUILDING
APRIL 1, 2013

My name is Jennifer Herz and I am Assistant Counsel for the Connecticut Business & Industry Association (CBIA). CBIA represents approximately 10,000 businesses throughout Connecticut and the vast majority of these are small companies employing less than 50 people.

Thank you for the opportunity to submit CBIA's comments in **opposition to HB 6687** An Act Concerning Certificate of Merit and express **significant concerns regarding HB 1154** An Act Concerning Accidental Failure of Suit Statute.

CBIA's members are very concerned about the increasing cost of providing health insurance. With the implementation of federal healthcare legislation only months away the cost impact is on the forefront of everyone's mind. Mandating even more and costly changes to the healthcare system is not prudent, especially at this time. Increasing access to quality care is central to reforming the system and affordability is at the heart of access. Yet, HB 6687, which alters the existing Certificate of Merit system, impedes that goal.

To that end, CBIA opposes HB 6687 because of the additional cost it will impose on the healthcare system. This bill proposes to weaken the existing Certificate of Merit process by expanding the individuals deemed acceptable to provide expert opinions. Expanding the definition of expert does not benefit the medical malpractice system but instead drives up the cost of healthcare. This change increases the costs because it would make it far easier to pursue frivolous lawsuits derailing the thoughtful 2005 medical malpractice reforms. Furthermore, a rise in medical malpractice cases would cost the judicial system, already facing significantly overburdened caseloads, even more resources.

CBIA wishes to be clear in that an aggrieved party absolutely deserves their day in court. Providing a threshold standard to bring an action serves the public by controlling the cost of medical malpractice. Medical malpractice costs are driven in part by defensive medicine, where physicians order more tests and procedures than may be necessary in order to protect themselves against lawsuits. Such additional tests add avoidable costs to the healthcare system. And moreover, medical malpractice insurance premiums would rise in the event of more frivolous cases, another preventable cost impact on the system.

Finally, CBIA also has specific concerns regarding HB 1154 since it would weaken the existing Certificate of Merit system.

In conclusion, CBIA opposes HB 6687 because it would make it easier to file frivolous medical malpractice claims resulting in a more expensive healthcare system. Such additional costs are

preventable if the existing Certificate of Merit system is preserved. Secondly, CBIA has concerns with HB 1154 since it may further weaken the existing Certificate of Merit process.

Thank you for the opportunity to offer CBIA's comments.