



**Statement in Support of
House Bill 6687 - An Act Concerning Certificates of Merit**

Judiciary Committee

April 1, 2013

The New London County Medical Association submits this statement in opposition to House Bill 6687 - An Act Concerning Certificates of Merit. House Bill 6687 seeks to weaken current law by making changes to the certificate of merit system in medical malpractice cases. We have for over a decade urged this Committee and the entire legislature to enact meaningful comprehensive tort reform and while we think that there is still a LONG way to go, we were very encouraged in 2005, when after a two year review of medical malpractice laws, this legislature enacted Public Act 05-275 – An Act Concerning Medical Malpractice.

Among the reforms in Public Act 05-275 is the “good faith certificate” which requires that the attorney filing the suit, attach a written opinion of an expert in the field. The expert must be a “similar health care provider” to that of the defendant and must provide a detailed opinion that there may have been evidence of a breach of care. If the opinion is not obtained prior to the filing of the suit, the case is to be dismissed. These requirements were intended to reduce the filing of frivolous lawsuits. This was both for the protection of the defendant physician and the incredibly overburdened legal system. It was also for the protection of Connecticut’s patients who were and continue to be impacted by a broken medical malpractice system.

We cannot imagine any good reason that these protections should now be weakened by House Bill 6687. House Bill 6687 would not only eliminate the need for a detailed opinion but would also only require that one or more breaches of the standard of care be stated. In addition, the requirement of a similar healthcare provider would be gone with any expert who may testify at trial to satisfy the requirement and it would be left to the trial judge to conduct an evidentiary hearing to determine if the expert is appropriately qualified to testify. The pre-suit determination that the expert is 'qualified' is made solely by the plaintiff's attorney and cannot be challenged until trial, 2-3 years later.

If the purpose of Public Act 05-275 was to minimize frivolous claims, this bill completely undoes it. We have not heard of any compelling reason that the current certificate of merit system needs to be changed or is not working.

We hope that this Committee will reject this bill.

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