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Testimony of
Ophthalmic Mutual Insurance Company, Risk Retention Group
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Judiciary Committee
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H.B. 6687, AN ACT CONCERNING CERTIFICATES OF MERIT

The Ophthalmic Mutual Insurance Company (OMIC) appreciates the opportunity to submit testimony concerning H.B. 6687, An Act Concerning Certificates of Merit. Our company is the sponsored professional liability carrier of the American Academy of Ophthalmology. OMIC insures over 4,400 ophthalmologists nationwide, including many ophthalmologists in the state of Connecticut. OMIC wishes to express its firm opposition to H.B. 6687 and respectfully ask that you oppose this measure.

With over 25 years experience as a nationwide insurer of ophthalmologists, OMIC knows that the requirement of the “good faith” certificate of merit filed by a “similar health care provider” has ensured fairness for all parties involved in medical negligence litigation. This is particularly true today as the practice of medicine has become increasingly complex and the knowledge of therapies, medicines or operations of a particular specialty is absolutely essential prior to a health care provider determining “... grounds for a good faith belief that there has been negligence in the care or treatment...” of a particular patient.

Because of the complexity of medicine, the determination of medical negligence cannot simply be made by any “qualified” health care provider. The pertinent medical records and other information need to be reviewed by someone from his or her own specialty. If this law is replaced and the reviewer remains anonymous, all assurances that this expert is qualified to render such an opinion have vanished.

OMIC asks you to oppose H.B. 6687 because by requiring an expert, whose identity is hidden from the defendant, be a similar provider we are ensuring that a basic standard for an expert in that medical specialty is established. If this basic foundation is lost the defendant has no assurance that the expert is qualified to render a fair and reasonable decision.

We urge you to oppose H.B. 6687 and thank you for your time in considering OMIC’s testimony on this issue.

For additional information, contact OMIC Vice President, Paul Weber, JD, at 415-202-4603