

Waterbury Medical Association

P.O. Box 30 • One Regency Drive • Bloomfield, CT 06002
Telephone (203) 753-4888 • Fax (860) 286-0787 • Email myokose@ssmgt.com

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

Judiciary Committee

April 1, 2013

The Waterbury Medical Association submits this statement in opposition to House Bill 6687 - An Act Concerning Certificates of Merit. It should come as no surprise that we oppose this bill. We have for nearly a decade urged this legislature to help us continue to offer access to highest quality healthcare to Connecticut patients by helping to reform the medical malpractice system. The current system has taken its toll on physicians and patients alike with physicians being forced into retirement or to cut back on certain procedures or to practice defensive medicine. It has also limited our ability to attract the best and the brightest to Connecticut to practice medicine.

In 2005 when this legislature enacted Public Act 05-275 – An Act Concerning Medical Malpractice we had hoped it would be the first step towards strengthening the medical malpractice system but since then we have done nothing but defend and attempt to keep the minimal protections that were enacted. Among the reforms enacted in 2005 was the “good faith certificate” which requires that the attorney filing the suit, attach a written opinion of an expert in the field. The legislature wisely required that 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 amount of time and resources that physicians used in defending against frivolous lawsuits and that the court system used in hearing frivolous lawsuits.

If the goal was to minimize the filing of frivolous lawsuits, we are question why the legislature would now weaken that by passing 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.

We hope that this Committee will reject this bill.

For more information, please contact:
Mary Yokose, Executive Director
860-243-3977