

Fairfield County Medical Association

Physicians Dedicated to a Healthier Fairfield County

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Memorandum of Support



Testimony on Proposed House Bill 6393: An Act Concerning the Professional Standard of Care for Emergency Medical Care Providers

Public Health Committee

March 15, 2013

Thank you Senator Gerratana, Representative Johnson, and distinguished members of the Public Health Committee for allowing me the opportunity to speak in favor of House Bill 6393: An Act Concerning the Professional Standard of Care for Emergency Medical Care Providers. My name is Mark Thompson and I am the Executive Director of the Fairfield County Medical Association. The Association represents over 1500 physicians in Fairfield County encompassing all medical specialties including emergency physicians.

The physicians of Fairfield County are in strong support of the changes in Raised Bill No. 6393. Adding subdivision (2) to Section 52-184 c of the General Statutes would allow for a higher degree of certainty in medical liability allegations brought against healthcare providers who deliver care in emergency rooms.

Emergency room physicians and other healthcare providers frequently deal with catastrophic illness and trauma under adverse conditions. These healthcare professionals have to make quick life-and-death decisions without having the benefit all of the necessary information needed to make a clear-cut diagnosis. Because of the very nature why many patients are taken to emergency departments, the workers have only a superficial knowledge of the medical histories, social, and psychological backgrounds of the patients they are treating.

These factors make emergency room healthcare providers particularly vulnerable to frivolous medical liability lawsuits. Even when emergency medical care providers act properly, there can be an untoward outcome that may lead to a non-meritorious lawsuit. In large part, it is the exposure to a higher probability of being sued in an emergency room situation that causes many medical specialists to stop taking call in hospital emergency departments.

More physicians would be willing to accept on-call for the hospital emergency departments if the potential for a non-meritorious lawsuit could be reduced. H.B. 6393 would help mitigate the threat of a frivolous lawsuit by raising the evidentiary bar from the "preponderance of evidence" to "clear and convincing evidence" and we urge your support of this proposed bill.

Thank you for your time and I would be pleased to answer any questions.