



# The Fairfield County Medical Association

917 Bridgeport Avenue • Shelton, Connecticut 06484  
Tel: 203-513-2045 • Fax: 203-513-8036 • E-mail: [info@fcma.org](mailto:info@fcma.org) • Website: [www.fcma.org](http://www.fcma.org)

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**March 11, 2013**

**To Members of the Public Health Committee:**

**My name is Edward Volpintesta. I am a general practitioner and a member of the Fairfield County Medical Association. I am testifying on behalf of its 1500 members in favor of the proposed changes to H.B. 6393, An Act Concerning the Professional Standard of Care for Emergency Medical Care Providers.**

**The requirement of “clear and convincing evidence” for malpractice allegations brought against health care providers who deliver care in emergency rooms represents a more rigorous legal standard and provides a greater degree of certainty than “preponderance of evidence”.**

**This change is important because health care providers in emergency rooms often deal with catastrophic illness and trauma, under adverse conditions. Often they have to make life-and-death decisions quickly without having the time to gather all of the necessary information needed to make a clear-cut diagnosis. Frequently they have only a superficial knowledge of the medical histories or of the social and psychological backgrounds of the patients they are treating.**

**These factors make health care providers in emergency rooms particularly vulnerable to unwarranted malpractice suits even when they have acted appropriately.**

**Thus “clear and convincing evidence” being a better standard than “preponderance of evidence” gives these health care providers a better level of protection against unwarranted malpractice suits.**

**Edward Volpintesta MD**