

Written Testimony of the Connecticut Orthopaedic Society

Opposing Senate Bill 1028 *An Act Concerning The Tolling Of The Statute Of Limitations For A Negligence Action Brought By A Minor.*

Joint Committee on Judiciary – March 6, 2015

Senator Coleman, Representative Tong and distinguished Members of the Joint Committee on Judiciary, on behalf of the more than 250 orthopaedic surgeons of the Connecticut Orthopaedic Society, thank you for the opportunity to provide testimony in opposition of **Senate Bill 1028 *An Act Concerning The Tolling Of The Statute Of Limitations For A Negligence Action Brought By A Minor.***

Current statute adequately protects the rights of those injured including minors to bring legal action for injury caused by negligence, misconduct or malpractice and there are no additional legal issues that would impact a minor seeking legal action. In fact, Connecticut citizens are protected for up to two years from the time the injury is first made or discovered, and up to three years of the act or omission, leaving ample time for legal action.

For those minors that are injured, parents and/or the legal guardian responsible for the minor are afforded the opportunity under Connecticut law to bring action on behalf of the minor. The proposed amendment seeking to extend, solely for minors, the statute of limitation claiming that they are unable to bring action because they are under the age of 18 is not accurate because currently there is no legal impediment for a parent or guardian to take action on behalf of the injured minor.

Extending the statute of limitations for minors as proposed would have a significant impact on the physician community and patient care. The burden of potentially waiting more than a decade for possible legal action for treating a minor is a heavy burden for any physician to bear. In fact, waiting between 15 and 18 years beyond when a physician may retire to be wary of the potential legal action against the physician or even the estate of a deceased physician is unacceptably burdensome.

The orthopaedic surgeons urge this Committee to honor the current statute of limitations as a reasonable timeframe for all citizens and to recognize through opposition to this bill, that minors are guaranteed the same legal rights which can be exercised by their parent or legal guardian.

Thank you.

Submitted by:
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