



Johnson Memorial Medical Center

**TESTIMONY OF
JOHNSON MEMORIAL HOSPITAL
SUBMITTED TO THE
JUDICIARY COMMITTEE BY
Friday, MARCH 6, 2015**

**SB 1028, An Act Concerning The Tolling Of The Statue of Limitations For A
Negligence Action Brought By A Minor**

Johnson Memorial Hospital appreciates this opportunity to submit testimony concerning **SB 1028, An Act Concerning The Tolling Of The Statue Of Limitations For A Negligence Action Brought By A Minor**. Johnson Memorial opposes the bill.

Our Health Care market place is going thru significant turbulence and redesign. Connecticut hospitals are leading this change to continuously improve and innovate the way care is provided. They are focused on providing safe, accessible, equitable, quality driven, reliable healthcare services as we integrate and coordinate care for our patients and communities.

As we trail blaze the delivery of health care in Connecticut, hospitals continue to oppose the proposed cuts to reimbursement and an expansion of taxes. The dramatic funding to community providers of healthcare and social services will severely reduce access to healthcare and impact the innovative opportunities to improve healthcare delivery in Connecticut. We caution the General Assembly to carefully review proposals that expand the liability, risk, and escalating costs to healthcare providers.

Johnson Memorial strongly believes that there should be greater opportunity to have a global dialogue pertaining to reforming our entire judicial system. The main proposal embodied in SB 1028 should be considered with an array of other ideas as part of a comprehensive discussion of ways to improve the tort system to establish an enhanced benefit to those individuals filing suits and to achieve efficiency in the administration of justice.

Johnson Memorial understands this legislation is for minors only, SB 1028 would extend the current two-year statute of limitations to one year after a minor's eighteenth birthday, and would also extend the current three-year statute of repose to eight years. Johnson Memorial strongly opposes this bill as unnecessary and disruptive to well-settled law for the following reasons:

- Connecticut law has well-established means through which claims can be brought on behalf of minors, and such claims are brought routinely. Therefore, there is no reason to change Connecticut's approach to be more like other states as there is no flaw in our common law, and no evidence-based concern that would be solved by an extension under Connecticut law of either the statutes of limitations or repose for minors.
- The changes proposed by SB 1028 establish a corridor to disparate the statute of limitations for the same claim, and would have negative consequences on the court process and the viability of insurance coverages.
- SB 1028 creates significant confusion on at least three issues: (1) the circumstances in which a minor would be unable to bring an action (the apparent trigger in the bill); (2) whether a defendant's right to assert a counterclaim has been divested when the plaintiff is a minor; and (3) whether the statute of limitations has been truncated to extend only to the minor's nineteenth birthday if the minor is older than sixteen when the event giving rise to the action occurs.

In the long run, Johnson Memorial believes it is in the best interest of all parties to preserve the existing well established process that guides individuals, businesses, and our society with respect to some degree of certainty in decision-making and predictability in their obligations and planning.

Thank you for your consideration of our position.

Respectfully submitted,



Stuart E. Rosenberg
President/CEO