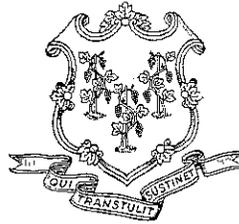


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PRESIDENT PRO TEMPORE

Eleventh District
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Good morning Sen. Gerratana, Rep. Ritter and members of the Public Health Committee.

I am here to testify in support of HB 6709 AN ACT CONCERNING THE RIGHT TO TRY EXPERIMENTAL DRUGS and SB 471 AN ACT REQUIRING RESIDENTIAL CARE FACILITIES TO CARRY LIABILITY INSURANCE.

HB 6709 would offer hope to terminally ill patients who suffer from diseases for which there is no effective approved treatment. Unfortunately, recent federal court decisions have held that terminally ill patients do not have a right to try experimental treatment¹. As a response to these decisions, a number of states have passed "right to try" laws to give these patients access to potentially life-saving therapy. The legislation before you would allow drug and device manufacturers to make investigational drugs and devices available to certain terminally ill patients. This would allow qualifying patients access to experimental treatments. Qualifying patients must have considered all other treatment options currently approved by FDA, been unable to participate in a clinical trial for the terminal illness within 100 miles of home, received a recommendation from the treating physician for the experimental treatment, and have given written, informed consent.

While some argue that access to experimental treatments poses a significant risk of harm to the patient, it would seem that this danger is far less than that posed by the certain death due to

¹Abigail Alliance for Better Access to Developmental Drugs v. von Eschenbach, 495 F.3d 695, 696 (D.C. Cir. 2007) (en banc), cert. denied, 128 S. Ct. 1069 (2008).

the underlying illness. This bill strikes a reasonable balance; it contains numerous safeguards and allows access to these treatments only to terminally ill patients. It does not require that insurance companies cover these treatments and it allows but does not require the manufacturer to make the products available. I urge passage of this legislation which would offer hope to patients afflicted with terminal illness.

SB 471 would require all residential care facilities to carry liability insurance of at least one million dollars per occurrence. The insurance would cover injury to residents or guests caused by the negligent acts or omissions of, or neglect by the facility or its employees. This legislation would protect both the residents and the facilities.

A study done on this issue in California² (prior to passage of a similar bill) showed that the average monthly cost to a small, 6-bed facility would amount to approximately \$50 per month per resident. That hardly seems like too high a price to pay.

In addition, I am pleased that your agenda today includes several bills regarding the regulation of Telemedicine. This is an emerging field that requires our careful attention. Currently our state displays a low level of usage and inadequate regulation of telemedicine. I look forward to working with you to establish a robust regulatory framework for this essential specialty.

Thank you for hearing these important bills.

²http://rcfereform.org/news/Governor_Brown_Signs_Into_Law_AB_1523_RCFEs_Must_Now_Carry_Liability_Insurance