

February 14, 2011

House Bill 6305 — AAC the Implementation of the Sustinet Plan

My name is Brenda Shipley. I support this bill **WITH THE EXCEPTION OF SECTION 13 PERTAINING TO LIMITING PROVIDER LIABILITY FOR PATIENT INJURY.**

Sec. 13. *Notwithstanding any provision of the general statutes, a health care provider who provides health care services to a Sustinet Plan member shall not be liable for any injury to a plan member that occurs during the provision of a service by such provider, provided such injury was proximately caused by the provider's appropriate compliance with clinical care guidelines approved by the Sustinet Plan Authority in accordance with the provisions of section 11 of this act.*

A Connecticut surgeon - who was under the influence of drugs – caused me serious harm. The surgeon's hospital administrators and his colleagues knew about his drug addiction, but I did not. He was allowed to operate on me, unsupervised, four times. Seven years later, after two corrective surgeries, I continue to suffer from chronic pain. The surgeon has since died of a heroin overdose.

I read the limited liability language contained in Section 13 of the Sustinet bill, and I am terrified at what this could mean for other patients. Why would doctors and hospitals be held to a different standard for treating patients enrolled in the State's Sustinet insurance plan than they would be for treating patients enrolled in any other private insurance plan? This language doesn't make sense and does not seem fair at all.

Why would the State of CT require consumers to choose between affordable health coverage and their right to due process in the event they are harmed, like I was? This language seems unconstitutional.

I worry that the State of CT will fail to maximize enrollment in the Sustinet plan, because potential enrollees will not want to enroll in a plan that severely limits their rights.

The State should be obligated to make this disclosure to the same consumers that this bill is trying to help. Consumers trust their State to protect their safety, and would certainly expect it of their State's insurance plan. Consumers absolutely expect that the State's insurance plan, at a minimum, would have at least the same protections as private insurance plans. This language has no place in this bill.

Thank you for allowing me to testify.