

**TESTIMONY REGARDING HOUSE BILL 6305:  
AN ACT IMPLEMENTATION OF THE SUSTINET PLAN**

**MR. JOHN TORELLO OF CHESHIRE, CONNECTICUT**

**MONDAY, FEBRUARY 14, 2011**

Members of the General Assembly:

My name is John Torello. I am from Cheshire, CT. I am here to testify against section 13 of House Bill # 6305. I object to the following language: 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.

In 2006, my wife gave birth to premature twin sons. They each had respiratory issues, which is fairly common with preemies. Initially, Matthew, the smaller of the boys, had more significant issues. Fortunately, he followed the usual trajectory of an infant with his issues and had a slow steady recovery. Today he is a healthy, precocious four and a half year old boy with mild asthma. Michael had similar issues, but took a turn for the worse, which led him to become jaundiced. For reasons we still don't understand his jaundice was never treated. The treatment is non-invasive phototherapy (lights). When jaundice goes untreated it causes severe brain damage called kernicterus.

Kernicterus is classified by the National Quality Forum as a "never event". The injury has resulted in damage to his hearing, and severe cerebral palsy. In stark contrast to his brother, Michael cannot walk, sit up, hold his head up, eat, speak or control his movement. The brain damage did not affect his cognitive abilities, but his disabilities have limited him. He is effectively trapped within his own broken body. His poor tone also exacerbates his respiratory issues, and acid reflux, causing him to suffer. The substance that caused the jaundice and damaged his brain also damaged his teeth. By the time he was two, he had several teeth removed and several more root canals.

His disabilities require nursing, physical therapy, occupational therapy, speech and language therapy, oral-motor therapy and special education services. His medical treatment requires services of a pediatrician, pulmonologist, gastroenterologist, orthopedist, 2 neurologists, dentist and ophthalmologist. We were fortunate to be able to take legal action. While this cannot replace what was taken away from Michael, his siblings and us, his parents, it has provided us with the means to care for him properly.

I have the following concerns about this raised bill:

- Why is there language that limits protections provided to Sustinet members, in a bill that was written to provide quality healthcare for the people of Connecticut? The language in section 13 appears to be a shield for Sustinet providers against litigation, which may be the only protection for victims of negligence or malpractice like my family.
- It appears that Sustinet members are being subjected to a different set of rules than the ones provided to the rest of the people in the state.
- In a bill written purportedly to provide quality healthcare for the patients of this state, there is no mention of patient safety.

I hope the committee remembers the story of my son, Michael, when they make decisions on this bill and others. I am happy to speak in more detail about these issues at any time. Thank you for your attention.