



**Connecticut State Medical Society
Connecticut Chapter of the American College of Physicians
Connecticut Chapter of the American College of Surgeons
Testimony on Senate Bill 243 An Act Concerning the Certificate of Merit**

**Judiciary Committee
March 7, 2012**

Senator Coleman, Representative Fox and members of the Judiciary Committee, my name is Dr. Claudia Gruss, Vice President of the Connecticut State Medical Society and Chairwoman of our Committee of Quality Care. I am also on the Executive Committee of the Connecticut Chapter of the American College of Physicians. On behalf of the more than 8,500 physicians and physicians in training of the Connecticut State Medical Society (CSMS) and the Connecticut Chapters of the American College of Surgeons and the American College of Physicians, thank you for the opportunity to present this testimony to you in **STRONG** opposition to **Senate Bill 243 An Act Concerning the Certificate of Merit**. This bill has the potential to unleash a torrent of lawsuits that will make it harder for Connecticut to retain the primary-care physicians it has, much less attract physicians to our state.

The statistics are staggering. An AMA survey from 2007-2008 found that 61 percent of physicians age 55 and older have been sued at least once during their careers. Nearly 40 percent had been sued 2 or more times. Among surgeons age 55 and older, nine out of ten had been sued. These numbers are very relevant for Connecticut as the average age of our physicians is 55 years old.

Specific to my specialty, internal medicine, those of us practicing in Connecticut have the dubious distinction of paying some of the highest liability rates in the country. According to the Medical Liability Monitor, the average premium for internal medicine physicians in Connecticut is \$34,700. An interesting note is the fact that our average in 2000 was \$7,736, climbing to \$28,917 in 2004, one year prior to the implementation of comprehensive reform here in Connecticut. More importantly, since 2005 when the original package of liability reforms passed, we have seen no significant increases in liability insurance rates, although we have not seen a significant decline, either.

Many factors are responsible for a slowing in increases. Some are related to market forces. However, the threat of suits and more importantly the financial and emotional expense of a suit, many physicians will acknowledge is more overwhelming than the cost of the premium. Understanding that a supermajority of physicians can expect to go through at least one suit during their careers should raise red flags when reviewing a proposal like SB 243, which would make filing suit easier.

The CSMS 2009 Primary Care Survey painted a bleak picture of the primary care landscape in our state: more than 1 in 4 internists and family physicians were not accepting new patients. On average, new patients waited 18 days for a routine office visit. In my specialty, it was taking on average, 15 months to recruit new physicians.

Every day, Connecticut's physician population is graying. About half of our practicing physicians are over 50. That's the age where physicians start to consider reducing their patient care activities. Add to that, the ongoing challenges we have faced with Medicare, and now a much lower threshold for being sued, and I'm afraid we will see an exodus of primary-care physicians out of Connecticut. The cavalry isn't coming to save us.

Members of our organizations have been working tirelessly with many segments of state government to address issues regarding the recruitment and retention of primary care physicians in Connecticut. Unfortunately, we are at a point where we are not struggling to increase access to primary care services but to retain those services we have, with one in four primary-care physicians contemplating a career change because of the practice environment – before SB 243. Many physicians point to the medical liability climate as a significant reason they are deciding to leave or excluding our state from the list of places they want to establish practice. Altering the current certificate of merit statute will only increase our difficulty in providing access to primary care physicians.

Make it easier to sue physicians, and you will have fewer physicians left to sue. Connecticut patients will be the ones who will suffer, experiencing longer wait times for appointments, and having a harder time finding physicians who are accepting new patients. I fear those will be the consequences of SB 243.

The existing certificate of merit process works. There is no reason to break what does not need fixing.

Please oppose Senate Bill 243.