



**Connecticut State Medical Society
Connecticut Chapter of the American College of Physicians
Connecticut Chapter of the American College of Surgeons
Testimony on SB 243 AAC the Certificate of Merit**

**Judiciary Committee
March 7, 2012**

Senator Coleman, Representative Fox and members of the Judiciary Committee, my name is Dr. Michael M. Krinsky. I am the president of the Connecticut State Medical Society. 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 to **OPPOSE Senate Bill 243 An Act Concerning the Certificate of Merit.**

I am a neurologist practicing in the greater Hartford area. My patients struggle with some of the most complicated and challenging medical conditions including Alzheimer's disease, Parkinson's disease, and epilepsy. They are cases where the art and science of medicine work hand-in-hand, as you use your clinical judgment to find the right medical solutions for each patient, often for a short period of time, before you have to find a new solution.

Mine is a high-risk specialty, and Connecticut patients already struggle with access to care. In 2008, CSMS conducted the first workforce survey of its kind in our state and some of the results were startling: 19% of physicians were contemplating a career change because of Connecticut's practice environment. New patients trying to see a neurologist were experiencing the longest wait times of all the specialties we surveyed: 29 days, with established patients waiting 18 days for an appointment. It's no wonder half of the neurologists surveyed had increased their work hours. More than 1 in 4 of my colleagues had reduced the number of high-risk services they provided or high-risk patients they saw – and that was five years ago. There aren't enough of us to go around today. If you pass Senate Bill 243, it will only get worse.

Senate Bill 243 significantly lowers the threshold of expertise for a certificate of merit. In my specialty, I will spend hours looking at detailed images of the brain before making decisions on a course of treatment. It's one thing if a colleague with equivalent training in the same area has a different opinion; it's another if the physician does not work in my area of expertise. Would you want to be second-guessed by someone who did not have the same training or expertise? In my case, it's all on the line: reputation, good standing, and let's not forget dollars. I could lose everything if I make a mistake. But if a judge is going to rely on another physician's opinion of my work, I want the judge to be relying on someone with the same background I have in the same standards of care. In this case, it takes more than an MD to make the difference. If the patient needed a specialist – the judge should have one, too.

It is curious to me that the certificate of merit provision in Public Act 05-275 is held up as a key part of a compromise. In compromises, each side gives up something. Yet we are here today – for a second year in a row -- being asked to give up everything.

If the "good faith certificate" system did not work, I would expect to see a lopsided system where plaintiffs lost more cases than they won. That is not the case, according to the Connecticut Insurance Department. And jury awards keep going up.

If you pass Senate Bill 243, an already tired physician workforce is going to start retiring much faster than it is replaced. In neurology, it takes an average of almost two years to replace a neurologist. Faced with mounting financial pressures of running a small business and the overhead involved in expensive new medical-record technology systems and the constant uncertainty of payment under the Medicare system, more of my colleagues will simply hang up their stethoscopes and stop practicing medicine altogether. You and your family and your friends and your neighbors will notice that it takes a lot longer to get in to see a doctor. Or you'll have to drive farther to get to one. The longer wait times will mean some patients will turn to our hospital emergency departments for more expensive care.

None of it is a pretty picture at a time when those of us in the health-care industry are focused on finding ways to reduce cost and increase patient access to care. But actions have consequences. If you pass Senate Bill 243, there will be consequences. On behalf of Connecticut patients and physicians, I urge you to oppose it.