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Testimony in regards of SB 243, An Act Concerning Certificates of Merit

Thank you Representative Fox, Senator Coleman, and members of the Judiciary Committee for giving me the opportunity to testify before you in regards to SB 243, an Act Concerning Certificates of Merit.

It is important whenever legislation is discussed regarding claims and malpractice that both the interests of the medical community and those who were wronged are taken into account. The current system for small claims which requires a certificate of merit does not do an adequate job of protecting the rights of those filing claims.

Presently, when a person is claiming damages due to malpractice; the plaintiff must obtain a certificate from a similar health care provider which exhibits that their claim is legitimate. While this may sound like a beneficial requirement in theory, it is extremely difficult to obtain these certificates, because it is not in healthcare providers' best interests to legitimize these claims, as a similar claim could be made against them in the future. For large claims, this provision may serve a useful purpose: to prevent fraud and protect the medical community from frivolous lawsuits; however, for small claims it is simply an excessive barrier to legal redress. The small claims court was set up so that attorney's would not necessarily need to be hired, but this process makes it difficult to navigate without legal representation.

The process to navigate the system and obtain a certificate of merit is often costly and long. This puts an unfair obstacle for working families who may not have the time and resources to prolong the legal process even more. One of my constituents recently lost a loved one, and the certificate of merit provision served as a barrier to small claims court. This cannot be allowed to continue.

I would recommend that language be added to the current bill to exclude the certificate of merit requirement for medical negligence suits begun in Small claims court which are claiming under \$5,000. This will ensure that all who have been wronged have equal access to damages.