

Waterbury Medical Association

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Statement in Opposition to

Senate Bill 243 - An Act Concerning Certificates of Merit

Judiciary Committee

March 7, 2012

The Waterbury Medical Association submits this statement in strong opposition to Senate Bill 243 - An Act Concerning Certificates of Merit. Over the past few years we have come before this Committee to urge for an overhaul of the medical malpractice system. While a few changes have been made, there is still much work to be done before the system works in a way those guarantees the injureds' rights without compromising the future health care for all Connecticut patients.

The certificate of merit is one of the few protections currently in place that works to weed out frivolous lawsuits. The bill before you attempts to completely obliterate it. As this Committee is aware, certificates of merit are meant to deter weak claims and reduce unnecessary lawsuits by requiring that that an attorney or claimant cannot file a medical malpractice lawsuit or apportionment complaint unless he or she has made a reasonable inquiry under the circumstances to determine that grounds exist for a good faith belief that the claimant received negligent medical care or treatment. The complaint must contain a certificate of merit which is a written, signed opinion from a "similar health care provider".

The requirement of a "similar health care provider" is an important one but this bill seeks to weaken that. Different medical specialties have different prevailing professional standards of

care and practices. It would be incredibly unreasonable to think that differing specialties or even nonphysicians would be able to make a competent assessment the standard of care that may or may not have been breached.

We support the Connecticut State Medical Society and its 7,000 plus physician members in its assertion that if the General Assembly is going to look at one section of the state's tort law, that the General Assembly should look at the whole system and consider proposals such as Health Courts and other measures that would ensure access and cost control to the system. We hope that this Committee will recognize how unwise this bill is and how important a complete review of the entire medical malpractice system is.

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