

**The Connecticut Society of Eye Physicians
Connecticut ENT Society
Connecticut Dermatology and Dermatologic Surgery Society
Connecticut Urology Society
Before the Judiciary Committee
On March 7, 2012
S.B. No. 243 AN ACT CONCERNING CERTIFICATE OF MERIT.**

Good Morning Senator Coleman, Representative Fox and distinguished members of the Judiciary Committee. My name is Steven Thornquist, M.D. and I am a practicing board certified ophthalmologist in Trumbull Connecticut and the current legislative Chair of the Connecticut Society of Eye Physicians and an officer in the Connecticut State Medical Society. I am offering you testimony opposing SB 243 An Act Concerning Certificates of Merit supported by more than 1000 physicians in the medical specialties of Ophthalmology, Otolaryngology, Dermatology and Urology.

Complications in medicine can occur in every office, clinic, hospital and operating room every single day of the year. Risk of injury is an inherent part of the practice of medicine and none of our therapies, medicines or operations guarantees perfection. Even without negligence, treatments may not all be everlasting. Constantly improving technologies and therapies bring unique changes and advances to every medical specialty.

That is why the “good faith” basis for filing a medical malpractice lawsuit depends so much upon the quality of a verifiable opinion from an expert who has practiced in the same field of medicine and intimately understands the challenges, and the accepted standards of care in the particular field of medicine being questioned.

As a physician who has practiced pediatric ophthalmology medicine for 15 years I am deeply concerned that SB 243 removes the entire foundation for this “good faith” basis. Previously the defendant was reassured that at a minimum, the case reviewer was a physician from his or her own specialty. If this law is replaced and the reviewer remains anonymous, all assurances that this expert is qualified to render such an opinion have vanished. The requirement to have experts in the same field is as vital to justice as the heart is to the human body.

We ask you to oppose SB 243: it will undermine every aspect of tort reform embodied in CT General Statutes 52-190a and Public Act 05-275 while retaining everything the medical community conceded in order to obtain the modest protections these laws have provided from lawsuits without merit. SB 243 also wrongfully retains the 90-day extension to the statute of limitations which allows the plaintiff and counsel ample time to conduct the “good faith” inquiry. Despite a handful of cases that have not passed the litmus test of Certificate of Merit, the overall majority of cases have.

In closing I, on behalf of the medical community, ask you to oppose SB 243 because by requiring an expert, whose identity is hidden from the defendant, be a similar provider we are ensuring that a basic standard for an expert in that medical specialty is established. If this basic foundation is lost the defendant has no assurance that the expert is qualified to render a fair and reasonable decision.

I thank you for your time in considering our concerns and opinions on this issue and urge you to strongly oppose SB243.