

**Judiciary Committee Public Hearing
Bill #1448**

Good afternoon Senator McDonald, Representative Lawlor and distinguished members of the Judiciary Committee. My name is Janet Levy and I reside in Woodbridge, Connecticut. I am here to support bill # 1448.

Five years ago, I went to a chiropractor. After what he told me was a simple and safe adjustment, he tore my left artery. I ended up having a stroke and emergency brain surgery to remove a blood clot in my cerebellum. After 6 weeks in hospitals, I went home to try to get some semblance of my life back. I was told that I probably would never be able to walk normally again and certainly not without the use of a quad cane. Back at home, my husband hired occupational, physical and aqua therapists, beyond the 3 months that my insurance helped pay for. He bought lots of expensive exercise equipment and hired someone to help me dress and bathe. After almost two years of spending nearly 7 hours every day exercising, I got most of my life back.

During this time and certainly for months afterwards, I found out that what had happened to me was NOT an isolated incident. There appeared to be tons of information, articles and studies on the internet directly relating the incidence of stroke to chiropractic spinal and cervical manipulation. I found out that there were also a number of support, and informative groups around the country that consisted of hundreds of victims who were suffering from the effects of a chiropractic manipulation or who had died from one. I never, ever knew that a chiropractic manipulation could cause a stroke or even have risks at all. The only thing I had ever read about them was that chiropractic manipulations were a SAFE, INEXPENSIVE and NATURAL alternative to medical science.

Risks of chiropractic manipulation have been discussed for years in almost every medical journal, not only here in the United States, but also in Canada, Ireland, Australia, U.K. Denmark, Netherlands, Germany, Malaysia and Spain.

With the passage of Bill # 1448, the citizens of Connecticut will be able to check out not only a specific chiropractor, but also other healthcare providers' education, post graduate training, as well as malpractice claims and settlements and prior felony convictions. This information is vital in protecting our families from irresponsible health care providers.

Today, residents of Connecticut are able to look up the same information on the internet, which Bill # 1448 is proposing, for any licensed medical doctor and/or homeopathic physician. It should be the same for other healthcare providers as well, especially for those physicians in alternative healthcare. Considering the public's increasing thirst for inexpensive, alternative care over the past decade, which is advertised as safe and natural yet so little real information exists.

I truly believe that the passage of Bill # 1448 will not only save some people from possibly making bad healthcare choices but will also save insurance companies from having to support the uninformed, needlessly, injured victim. Bill # 1448 will not of course, be a "cure-all" to prevent irresponsible healthcare, but it sure would be a good place to start.

Since I am unable to be there in person today to testify, I appreciate your time in reading what I have to say. I hope you will support Bill # 1448. Thank you.

March 26, 2007

Judiciary Committee Public Hearing
Bill #1448

Good afternoon Senator McDonald, Representative Lawlor and distinguished members of the Judiciary Committee. My name is Brittmarie Harwe from Wethersfield. I am testifying in support of Bill #1448. I would like to advise the committee that I have a paralyzed vocal cord so please bear with me.

In 1993, when I was just 26 years old, I had a stroke immediately following a chiropractic cervical adjustment. I was taken by ambulance to the hospital and tests revealed that one of my vertebral arteries was crushed during the chiropractic adjustment. I was left with neurological disabilities including left side paralysis, paralyzed vocal cord and the loss of the ability to swallow. Since I couldn't swallow, a feeding tube was inserted. For the past 14 years now, I have only been able to eat through the tube in my stomach. This stroke has forever changed my life and the lives of my family.

Since such severe injury is a possibility with chiropractic adjustments, malpractice and other pertinent information about chiropractors should be made public. Before going to any healthcare provider, my mother always told me to check out information available about a doctor's education and background. I tried to before going to this particular chiropractor, and I was unable to find out anything about him. In fact, even now, the only information that the Department of Public Health's website provides about a chiropractor is his license status and if there was any disciplinary action taken. In the State of Connecticut malpractices claims as well as felony sexual abuse convictions are not made public for other healthcare providers like they are for medical and homeopathic physicians.

After my stroke happened, my attorney disclosed to me that my chiropractor had not only hurt me but had a previous large malpractice settlement. A large settlement usually involves sever injury or death. Had this information been available, it would have raised a red flag and I might not have gone to him for treatment or at the very least, I would have discussed my concerns with him so that maybe he would have been more careful with me.

Bill #1448 would give the public important information like education and post graduate training, malpractice, disciplinary actions and felony convictions for not only chiropractors but for 8 other groups of healthcare providers. For example, the State of Florida has provided their residents with the same Practitioner Profile since 1997, which Bill #1448 would provide to the citizens of the State of Connecticut. I strongly feel the residents of Connecticut deserve the same benefits that other states already provide. Again, my name is Brittmarie Harwe and I represent the Chiropractic Stroke Victims Awareness Group which consists of hundreds of young people, most between the ages of 25 and 48, who unfortunately cannot be here today due either their sever disabilities or gag order they were forced to sign..

Thank you for giving me the opportunity to express my concerns and I hope you will support Bill #1448.

The legislation before you will also supplement important legislation passed recently by this General Assembly. Public Act 05-275 established a process to collect information regarding malpractice awards, payouts, settlements, etc. in a manner to allow the State to get a better understanding of the professional liability crisis that the State continues to face. However, the legislation was limited to only a few types of health care professionals. We feel that in order to get a better understanding of the entire liability situation in Connecticut, all health professionals required to carry liability insurance should be included so that we can appropriately review the entire spectrum of professional liability situation.

This bill will allow for the public to access pertinent information in a manner that is consistent for all health care providers. As health care is focused on a team approach, information on a variety of members of the health care team needs to be available in a manner that is easy to comprehend and follows the familiar format of the physician profile.

Please support Senate Bill 1448

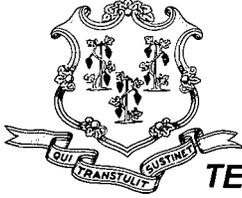


Connecticut State Medical Society Testimony on
Senate Bill 1448 An Act Extending The State Physician Profile
and Related Malpractice Reporting Requirements to Certain
Other Health Care Providers
Presented to the Judiciary Committee
March 26, 2007

Senator McDonald, Representative Lawlor and members of the Judiciary Committee, on behalf of the Connecticut State Medical Society (CSMS) thank you for the opportunity to present testimony to you today in support of Senate Bill 1448 An Act Extending the State Physician Profile and Related Malpractice Reporting Requirements to Certain Other Health Care Providers.

As part of due diligence in finding a health care provider, many patients seek information regarding the physician's credentials, medical school and, malpractice awards and settlements on the internet as well as other resources prior to choosing a health care provider. We feel that this has proven to be valuable information for many patients seeking care. In addition, the work that CSMS, the General Assembly and several other stakeholders undertook in past sessions, led to the development of a system in which relevant information is provided while appropriately educating consumers about how it should be interpreted and used in making well informed medical care provider choices. However, there is a lack of consistency in providing this information to the DPH for health care providers other than physicians. Consumers sometimes turn to alternative providers to receive health care services and the lack of information about non-physicians could erroneously imply to patients that there are no patient safety issues with these providers and no malpractice track record.

The need for inclusion of all providers in the profiling system becomes more critical as these alternative healthcare providers push to increase the scope and complexity of the services they provide to patients. Too often we hear arguments before this body regarding the safety and/or lack of bad outcomes related to a profession without documentation or substantiation of a claim. The legislation before you today will require the collection of appropriate information related to malpractice awards, settlements and decisions for all health care providers who are required by the Connecticut statute to carry malpractice insurance. This will put all health care providers and professionals in Connecticut on equal footing and allow the public to more fully understand patient safety and quality in Connecticut. This will provide patients with critical information to guide their choice of providers.



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

TESTIMONY PRESENTED BEFORE THE JUDICIARY COMMITTEE
March 26, 2007

Jennifer Filippone, Chief, Practitioner Licensing and Investigations, (860) 509-7590

Senate Bill 1448 - An Act Extending the State Physician Profile and Related Malpractice Reporting Requirements to Certain Other Health Care Providers.

The Department of Public Health provides the following information with regard to Senate Bill 1448.

Senate Bill 1448 would require the Department to extend its physician profile program to include information pertaining to other health care practitioners who are required to maintain medical malpractice liability insurance, including dentists, chiropractors, optometrists, podiatrists, natureopaths, psychologists, dental hygienists, physician assistants and advanced practice registered nurses.

The current physician profile provides information detailing each Connecticut licensed physician's educational and professional background, as well as disciplinary and malpractice history. Physician profiles were designed to provide Connecticut's healthcare consumers with information to assist them in making informed decisions regarding healthcare providers. The public is advised that such information should be used as a starting point in evaluating a physician and that the profile should not be the sole basis for selecting a physician.

The proposed bill modifies the existing physician profile statute to require these additional health care providers to submit information, including but not limited to, hospital disciplinary actions, criminal convictions, and malpractice judgments and awards. The proposal does not however authorize the Department, or the appropriate board or commission, to take disciplinary action against providers who do not comply with the reporting requirements.

Senate Bill 1448 would require the Department to implement the expansion of health care provider profiles effective October 1, 2007. Implementation of this initiative would result in significant fiscal impact to the Department. Additional funding would be necessary to upgrade our information technology infrastructure and to carry out the activities associated with implementing a program of this magnitude, as these functions could not be absorbed within existing resources.

The Governor's proposed budget for 2008/2009 includes the funding that is necessary to update the Department's licensing system to allow for on-line license renewal. The funding provided to the Department in the Governor's proposed budget would allow for implementation of the on-line system for physicians/surgeons and nurses on or before June 30, 2009. This appropriation would not however provide sufficient funding to fully implement an expanded provider profile program. Expanding the on-line licensing initiative to incorporate the health care provider profiles would potentially delay the implementation date for on-line license renewals.

Thank you for your consideration of the Department's views on this bill.

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Senate Bill 1448 An Act Extending the State Physician Profile
and Related Malpractice Reporting Requirements to Certain Other Health Care Providers

Statement of Robert L. Hirtle

Senator McDonald, Representative Lawlor and members of the Judiciary Committee:

I am Attorney Robert L. Hirtle of Hartford. I have been general counsel to The Connecticut Chiropractic Association since 1971 and during that time I have defended most of the malpractice claims made against chiropractors in this state.

I would like to talk about fairness and tell you a little bit about what has been going on here at the General Assembly this session with regard to the practice of Chiropractic.

The session began with a bill which proposed that chiropractors - and only chiropractors - be added to the malpractice data reporting law. The Connecticut Chiropractic Association thought that was unfair and said so because it singled out chiropractors for special treatment. That approach is wrong.

Almost immediately, a second bill surfaced. This one required that chiropractors - and only chiropractors - obtain written informed consent statements from their patients prior to administering any treatment. The Connecticut Chiropractic Association thought that was unfair and said so because, again, it singled out chiropractic for discriminatory treatment.

Then, a third bill was proposed to penalize chiropractors - and only chiropractors regarding the use of the word "doctor". The Connecticut Chiropractic Association thought that was unfair and said so.

Today, you might hear the same criticisms of Chiropractic voiced before other Committees. It is obviously tragic when something goes wrong with a medical procedure. Unfortunately, adverse consequences sometimes happen. They happen in every medical specialty. I can tell you that the risks of adverse consequences from Chiropractic are very small. The procedures are safe and they work for thousands of patients in Connecticut every day. The incident of harm is approximately once in five years. At the present time there are no chiropractic malpractice cases pending in Connecticut courts.

From day one, we have made essentially one point to the various committees that have reviewed these anti-chiropractic bills. Hold us to any standard or rule you want to, but apply it equally to all other medical professions. Don't just single us out.

Senate Bill 1448 involves adding certain medical professions to the so-called physician's profile which is easily accessible on DHP's web site.

If you are going to require profiling of Chiropractors, then add every other licensed medical profession to this bill. Several professions are missing from it right now. You need to add in physical therapists, opticians, occupational therapists, accupuncturists, nurse midwives, among others.

If you do that, the Chiropractic profession will support Senate Bill 1448.

We are happy to have this scrutiny of our profession. The best indicator of the risks of medical procedures can be found in the malpractice premiums that members of the profession pay.

The average full-coverage policy for chiropractic in Connecticut - which provides \$1 million in coverage for an individual claim and \$3 million for all claims - is \$3,000.00 per year. Yes, I said *per year*.

If our members had a problem with malpractice, then it would show up in their premiums. It hasn't - because chiropractic is not a high risk health care profession.

On behalf of all of the members of the Connecticut Chiropractic Association, let me close by saying it is time to end these attacks on Chiropractic. Bills that are drafted to hurt just one specific profession should not be passed. They are wrong.

Senate Bill 1448 provides some degree of fairness. We can support it if you include all health care professions.

Thank you.