

Connecticut State Medical Society 2012 Legislative Agenda

Professional Liability Insurance

Connecticut physicians continue to struggle with the cost and availability of professional liability insurance. Success can be seen in the fact that nearly all policy-makers understand that successful health care reform must, at a minimum, acknowledge the significant impact this issue has on the overall cost and availability of health care. CSMS will continue to develop and implement comprehensive medical liability reforms. These efforts will focus on patient-centric principles, and providing fair and timely compensation, while at the same time promptly identifying and dismissing meritless claims. Such efforts to improve the solvency of our health care system and control costs may include:

- The establishment of special health courts.
- Seek safe harbor provisions for physicians practicing to established guidelines and standards.
- Continue support for traditional tort reforms such as limits on damages, periodic payments, and reduction to pre-judgment interest levels.
- Immunity for physicians providing volunteer or *pro bono* services.
- Expansion of protections for physicians providing mandated care such as services required under EMTALA.
- Review and strengthening of peer review laws.

The existing system is expensive for patients and physicians, with costs increasing through defensive medicine. And it does not serve patients well. Even those who do achieve awards for injury do so only after a long, painful and uncertain process. Meanwhile, many physicians find it difficult to afford or find professional liability insurance. It is the position of CSMS that the current professional liability structure impairs access to care in Connecticut, and requires that efforts to fix this problem must be part of the overall discussion of health care reform.

Contracting, Transparency and Fairness

CSMS will continue its legislative efforts to strengthen the position of physicians within the marketplace, allowing them to better serve their patients and community. Recent reform measures such as the establishment of Accountable Care Organizations (ACOs), the need for interoperable Health Information Technology (HIT) and consolidation within the insurance market make it critical that physicians have the ability to communicate more freely, and that standards exist when contracting with insurers. The following will be legislative priorities for CSMS:

- Enact state exemptions from federal laws to allow physicians to negotiate as a group to strengthen their contracting abilities. Benefits would include the ability to seek opportunities to implement electronic medical record systems, establish ACOs, and cover increased liability insurance costs and support recruitment of new physicians..
- Establish stronger statutory guidelines for acquisitions and mergers of health insurance companies.
- Allow for the assignment of benefits by a patient to the physician for allowable out of network benefits.
- Clarify balance billing laws.
- Ensure rating systems and pay-for-performance measures are based on sound medical standards rather than economic factors.
- Opposition to the use of tiered and limited networks.
- Permission for physicians to limit patient panel size based on insurance payor or insurance product.

- Require contractual changes to be communicated by certified mail.
- Require disclosure through a list of negotiated items,
- ensuring a standard 120 day claims filing period,
- OPT IN for future products.
- Establish stronger requirements and definitions for Medical Loss Ratio.

Regulatory Oversight and Transparency

CSMS supported successful legislation in 2011 that would have opened up the rate increase review process at the Connecticut Insurance Department (CID) and provided further transparency in other review or decision processes at the CID. Unfortunately this legislation was vetoed. CSMS will continue its efforts to expand transparency in the rate-setting process and open up the review process to include the ability of all impacted entities and individuals to provide input.

Physician Workforce Issues

Connecticut continues to struggle to recruit and retain skilled physicians. CSMS will continue to fight for initiatives to make Connecticut more attractive to physicians. These include such items as:

- Reduce regulations that impede physician services such as those required by the Certificate of Need process.
- Remove Tax on cosmetic surgery.
- Establish student loan forgiveness and insurance premium assistance programs for new physicians.
- Continue to address ER overcrowding and boarding issues.

Disaster Preparedness

In times of crisis or emergency, immediate contact with physicians will be critical. Connecticut has diligently worked to develop disaster preparedness plans and to establish systems for rapid contact of the public. While the systems and technology exist for rapid communications and actions, we must ensure that proper information is captured and available. CSMS will seek to ensure that the means exist to gather appropriate contact information and that when necessary it becomes available to CSMS as the designated communicator with physicians.

CSMS is fully prepared to address these issues during the upcoming session of the Connecticut General Assembly. In addition, we will be vigilant in defending the practice of medicine from any incursions. For more information or to provide any comments, please do not hesitate to contact CSMS Senior Vice President of Government and Society Affairs Ken Ferrucci.