



## Public Health Committee

March 6, 2023

### Written Testimony on

### **S.B. No. 1077 (RAISED) AN ACT CONCERNING THE ACCEPTANCE BY PHYSICIANS OF PATIENTS WHO ARE MEDICAID RECIPIENTS**

Good Evening I am Mike Rigg, JD I am here on behalf of over 800 Connecticut physicians in the medical specialties of Ophthalmology, Dermatology, Otolaryngology and Urology, we would like to voice our **strong support of the intent of SB 1077: An Act Concerning the Acceptance by Physicians of Patients who are Medicaid Recipients but would like to offer substitute language which would give private doctors who see Medicaid patients the same immunity advantages as those physicians at UCONN. Please see the following substitute language.**

#### AN ACT To INCREASE THE PARTICIPATION WITH MEDICAID

Sec. 4-141. Definitions. As used in this chapter: (1) "Claim" means a petition for the payment or refund of money by the state or for permission to sue the state; (2) "Just claim" means a claim which in equity and justice the state should pay, provided the state has caused damage or injury or has received a benefit; (3) "Person" means any individual, firm, partnership, corporation, limited liability company, association or other group, including political subdivisions of the state; (4) "State agency" includes every department, division, board, office, commission, arm, agency and institution of the state government, whatever its title or function; and (5) "State officers and employees" includes (A) every person elected or appointed to or employed in any office, position or post in the state government, whatever such person's title, classification or function and whether such person serves with or without remuneration or compensation, including judges of probate courts, employees of such courts and special limited conservators appointed by such courts pursuant to section 17a-543a, and (B) attorneys appointed as victim compensation commissioners, attorneys appointed by the Public Defender Services Commission as public defenders, assistant public defenders or deputy assistant public defenders and attorneys appointed by the court as Division of Public Defender Services assigned counsel, individuals appointed by the Public Defender Services Commission, or by the court, as a guardian ad litem or attorney for a party in a neglect, abuse, termination of parental rights, delinquency or family with service needs proceeding, the Attorney General, the Deputy Attorney General and any associate attorney general or assistant attorney general, any other attorneys employed by any state agency, any commissioner of the Superior Court hearing small claims matters or acting as a fact-finder, arbitrator or magistrate or acting in any other quasi-judicial position, any person appointed to a committee established by law for the purpose of rendering services to the Judicial Department, including, but not limited to, the Legal Specialization Screening Committee, the



State-Wide Grievance Committee, the Client Security Fund Committee, the advisory committee appointed pursuant to section 51-81d and the State Bar Examining Committee, any member of a multidisciplinary team established by the Commissioner of Children and Families pursuant to section 17a-106a, the Municipal Electric Consumer Advocate selected pursuant to section 7-121f, the Independent Consumer Advocate selected pursuant to section 7-334a, and any physicians or psychologists employed by any state agency, [physicians approved by the State of Connecticut to provide medical care to persons eligible for medical assistance under Chapter 319v of the Connecticut General Statutes and authorized by Title XIX of the Social Security Act, and any physician providing medical care mandated by the federal Emergency Medical Treatment and Labor Act.](#) “State officers and employees” does not include any medical or dental intern, resident or fellow of The University of Connecticut when (i) the intern, resident or fellow is assigned to a hospital affiliated with the university through an integrated residency program, and (ii) such hospital provides protection against professional liability claims in an amount and manner equivalent to that provided by the hospital to its full-time physician employees.

Sec. 4-165. Immunity of state officers and employees from personal liability. (a) No state officer or employee shall be personally liable for damage or injury, not wanton, reckless or malicious, caused in the discharge of his or her duties or within the scope of his or her employment. Any person having a complaint for such damage or injury shall present it as a claim against the state under the provisions of this chapter. (b) For the purposes of this section, (1) “scope of employment” includes but is not limited to, (A) representation by an attorney appointed by the Public Defender Services Commission as a public defender, assistant public defender or deputy assistant public defender or an attorney appointed by the court as Division of Public Defender Services assigned counsel of an indigent accused or of a child on a petition of delinquency, (B) representation by such other attorneys, referred to in section 4-141, of state officers and employees in actions brought against such officers and employees in their official and individual capacities, (C) the discharge of duties as a trustee of the state employees retirement system, (D) the discharge of duties of a commissioner of the Superior Court hearing small claims matters or acting as a fact-finder, arbitrator or magistrate or acting in any other quasi-judicial position, (E) the discharge of duties of a person appointed to a committee established by law for the purpose of rendering services to the Judicial Department, including, but not limited to, the Legal Specialization Screening Committee, the State-Wide Grievance Committee, the Client Security Fund Committee, the advisory committee appointed pursuant to section 51-81d and the State Bar Examining Committee, (F) military duty performed by the armed forces of the state while under state active duty, and (G) representation by an individual appointed by the Public Defender Services Commission, or by the court, as a guardian ad litem or attorney for a party in a neglect, abuse, termination of parental rights, delinquency or family with service needs proceeding; provided the actions described in subparagraphs (A) to (G), inclusive, of this subdivision arise out of the discharge of the duties or within the scope of employment of such officers or employees, and (2) “state employee” includes a member or employee of the soil and water district boards established pursuant to section 22a-315. History 1959, P.A. 685, S. 25; P.A. 76-371, S. 2, 5; P.A. 80-153, S. 2; 80-197, S. 2; 80-394, S. 6, 13; P.A. 83-464, S. 1, 5



Statement of Purpose: Amend Section 4-141 to expand the number of physicians, who would be willing to treat indigent patients and give them the same medical liability benefits that state and federally employed physicians currently receive when treating these patients.