



Legislative History for Connecticut Act

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JOINT  
STANDING  
COMMITTEE  
HEARINGS

PUBLIC HEALTH  
AND SAFETY  
PART 1  
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## PUBLIC HEALTH AND SAFETY

January 21, 1976  
12:00 Noon

PRESIDING CHAIRMAN: SEN. CIARLONE AND REP. COHEN

COMMITTEE MEMBERS PRESENT:

SENATORS: GUNTHER, CIARLONE

REPRESENTATIVES: FRANCIS, MORRISON, WALKOVICH, JOHNSTON, SMOKO,  
FERRARI, CONNOLLY, WILBER, ORCUTT, GOSSELIN,  
DE ZINNO, ANDERSON, MC GUIRK, ANASTASIA, COHEN

REP. COHEN: The meeting of the Public Health and Safety Committee to order. We will operate in our usual manner, I think most of you are familiar. There'll be two places that you can speak at both sides, one the Majority Leader's desk and one is the Minority Leader's desk whichever is most convenient for you. We can talk on any of the Bills that you choose to and if there are any doctors here who have to get back to their practice I would like to call on them first to give them an opportunity to make a statement and then go back to their office. Want to step up to the mike. Before you do I'd like to tell you about our Committee, Sen. Ciarlone my Co-Chairman, we have Rep. Walkovich, Rep. Francis, Rep. Morrison, Rep. Wilber, Rep. Smoko, Rep. Johnston. Alright doctor, give your name and address and you can proceed.

DAVID L. WARREN: I am Doctor David L. Warren, I'm an internist in a private practice in Manchester, Connecticut. I have been asked to speak in behalf of Bill 776 by the Hartford County Medical Association of which I am a member, of the Hartford County PSRO Organization of which I am currently Medical Director and on behalf of the Utilization Review Committee of my own hospital, the Manchester Memorial Hospital. Basically I have also been instructed to speak very briefly, I'm speaking obviously in support of Bill 776 which I have been lead to believe you people have supported just last year, Senate Bill 56, I apologize.

I would point out that the physicians in general have been performing a utilization review or peer review functions for many years particularly in regard to quality of medical care and for this I don't think up until this point in time we have needed any legislation to protect us in our decisions relating to peer review. However, I suspect most of you know, the Institution of PSRO, which is the Professional Standard Review Organizations, we are now asked by the federal government and the state governments to perform concurrent review functions in the hospital. Concurrent review functions consist primarily of three things, basically they consist in certifying the need for hospitalization. This means you as a patient coming into the hospital

DAVID L. WARREN: (CONTD.) are going to have to be reviewed by physicians for a determination of whether this hospitalization actually is necessary. Such admission can be denied by the review physician. In addition to this on admission to the hospital a length of stay will be assigned. For instance, if you come into the hospital with a diagnosis of pneumonia the physician review or organization decides that this admission is necessary, they will then attach a length of stay which it is determined is probably going to necessary with a diagnosis of pneumonia. This might be six days. At the end of six days this review committee is going to, the physicians are going to have to once again review the situation and decide whether you need to be in the hospital longer or whether admission to this hospital should be denied.

As physicians we think this review mechanism is going to serve a very useful purpose. It certainly is going to control the cost of medical care within a hospital. However, with just little reflection one can postulate that there may be legal implications and decisions made by review organizations. As you also know, today's doctors are very sensitive to believe such legal implications and it is for this reason that we come to you and ask for your support of us in making these decisions which I think basically are very important. and will protect us from legislation, from legal implications it might be adverse to us in the decisions we make in our peer review functions.

I don't know whether I can answer any questions.

REP. COHEN: Are there any questions by members of the Committee? Hearing none, thank you very much doctor. Is there anyone else that would like to speak on this Bill? Pro or against.

PHILIP DUNN: Yes, my name is Philip R. Dunn, representing the Connecticut State Medical Society. We have supported this Bill consistently and feel that it's a most worthwhile Bill and most necessary. It isn't something that the Medical Society or it's members wanted to get involved in, they have been forced to get involved in these reviews and criticisms of their own brother's conduct and, therefore, serving this function which is truly a public function that they should be given the insulation that anybody else that is given the right to review and criticize somebodies conduct is given in all the fields, whether it's the law or whether it's even this legislature

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PHILIP DUNN: (CONTD.) acting in Committee, I would like to say that this same subject matter and even a more expansive level is also being considered by the Interim Study Committee on Malpractice, but we feel that this particular Bill is properly before this Committee and any additions or modifications that we made out of the Interim Study Committee on Malpractice would be for matters that would be of special interest to further reduce the cost of malpractice insurance and not just necessarily for immunity of the people that are serving this public function.

This Bill I think you all recall lost last time because of the rush of business and the fact that there was not any immediacy shown. We are now aware of the fact that one particular doctor is already being sued for substantial amounts of money by another doctor who criticized him and it is now quite important that these people who are being asked to volunteer their time be protected. Any questions?

REP. COHEN: Any questions by members of the Committee?

SEN. CIARLONE: Mr. Dunn, Sen. Ciarlone from New Haven, you just said that there is a case pending now. Other than that are there many instances in the past where there might be some suit involved in a review?

PHILIP DUNN: No, Senator, this is the first one we've heard about because the PSRO's have only been really in operation and some of these review committee's that have to take public action only in the last year or so, and so this is something that we have to be prepared if we're going to ask these people now because it's going to be something that will happen to them in the future.

SEN. CIARLONE: With legislation of this nature is it safe to say that perhaps you are getting more candid review where we might insulate members of the review committee with legislation such as we have here?

PHILIP DUNN: Positively, I think that you will not get a critical enough appreciation of a brother doctor's conduct or activity if the doctor that's volunteering for this particular committee feels that he's going to be exposed to any sort of litigation as a result of it. We, of course, do not want to insulate anybody from malice or if there was any sort of jealousy or some sort on interplay, you know, in a hospital staff, but we're not trying to protect somebody from doing other than the job they're charged with to scrutinize somebody else's work and be able to educate, criticize and evaluate with immunity.

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SEN. CIARLONE: Thankyou. So to the best of your knowledge do you know if any other states around us and around Connecticut particularly have legislation of this nature?

PHILIP DUNN: I don't but I can find and supply that information.

SEN. CIARLONE: I'd appreciate if you would. Thankyou.

REP. COHEN: Any further questions by members of the Committee? Thankyou very much Mr. Dunn. I'd like to announce that at this time we've been joined by State Representative Virginia Connolly of Simsbury. Anyone else that wishes to speak on this particular Bill?

FRED HYDE: Mr. Chairman and Members of the Committee, I'm Fred Hyde representing the Connecticut Hospital Association. We'd like to express our support for this Bill and echo the sentiments of the position and of Mr. Dunn representing the State Medical Society. We'd like to bring to your attention one matter which may be of help in the final drafting of this Bill. There is a provision already on the Statutes, section 19-6A which deals with committee's studying morbidity and mortality in hospitals, that section might well be modified so as to include physician peer review bodies as well. So in summary we would definitely support the idea of this Bill and bring to your attention 19-6A of the General Statutes which might be appropriately modified so as to accomplish the purposes sought by this Bill. Thankyou.

REP. COHEN: Any questions of Dr. Hyde? Thankyou Dr. Hyde. Anyone else who wishes to speak for or against this Bill?

ESTELLE SIKER: Mr. Chairman, I'm Dr. Estelle Siker speaking for the State Department of Health. The State Department of Health supports Senate Bill 56 and urges it's passage. There is great need to assure high quality medical care at the lowest possible cost. Federal Public Law 92-603 established the PSRO or Professional Standards Review Organization under which physicians organizations will review the quality of care and need for medical services provided under Medicare, Medicaid and Title 5 of the maternal and child health program.

Physicians must be protected from liability so they can be forthright in their evaluations. Thankyou.

REP. COHEN: Any questions of the speaker? Thankyou very much Doctor. Anyone else? If not, call the hearing closed on Senate Bill 56. At this time it is our custom if a representative or senator wants to be heard we interrupt and let that person speak. I'll call on Rep. Hanzalek.

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Mr. Speaker, a motion in the same vein. My request that efr  
Calendar 645 be removed from the Consent Calendar, I would with-  
draw that objection, and if it's appropriate, to make a motion that  
that be included on today's Consent Calendar, or whenever you wish.  
And also, I have examined the Resolution to which I raised objec-  
tion earlier, Calendar 754, and would withdraw my objection to  
that being on the Consent Calendar.

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MR. SPEAKER:

You have the motion of the gentleman of the 111th to  
place Calendar 645 on Consent, and Resolution 754 on Consent,  
and is there objection? Objection? Hearing none, it is so  
ordered. The Clerk return to the call of the Calendar.

THE CLERK:

Page 5, Calendar 475, Substitute for S.B. 56, an Act  
concerning peer review immunity. As amended by Senate Amendment  
Schedule "A".

ROBERT G. GILLIGAN:

Mr. Speaker, I move acceptance of the Joint Committee's  
favorable report and passage of the bill in concurrence with the  
Senate.

MR. SPEAKER:

The question is on acceptance and passage. Will you  
remark?

ROBERT G. GILLIGAN:

Yes, Mr. Speaker. The Clerk has Senate Amendment  
Schedule "A". Will he call it, please.

MR. SPEAKER:

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The Clerk please call Senate "A".

efr

THE CLERK:

Senate Amendment Schedule "A", L.C.O. 2466.

ROBERT G. GILLIGAN:

Mr. Speaker, I would seek leave to summarize.

MR. SPEAKER:

Is there objection to the gentleman of the 28th summarizing in lieu of Clerk's reading? Hearing none, the gentleman of the 28th for that purpose.

ROBERT G. GILLIGAN:

Mr. Speaker, since the bill and the amendment are one in the same, I'll have to discuss both on the Amendment. This Amendment extends immunity from civil liability to any person who provides testimony or information to a medical review committee for the purpose of evaluating the qualifications, fitness or character of a health care provider if the information does not represent as true any matter not reasonably believed to be true. Section 3 of the Amendment extends immunity from civil liability to members of medical review committees for any actions taken if the actions were taken without malice and the reasonable belief that the action was warranted. I move adoption of the Amendment, Mr. Speaker.

MR. SPEAKER:

The question is on adoption of Senate "A". Will you remark?

ROBERT G. GILLIGAN:

I move adoption.

MR. SPEAKER:

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Will you remark further on adoption of Senate "A"? If efr  
not, the question is on its adoption. All those in favor will  
indicate by saying "aye". Opposed. Senate "A" is adopted and  
ruled technical. Will you remark further on the bill as amended?

ROBERT G. GILLIGAN:

Yes, Mr. Speaker. The Clerk also has a House Amendment  
Schedule "A".

MR. SPEAKER:

The Clerk please call House "A".

ROBERT G. GILLIGAN:

L.C.O. 2547.

THE CLERK:

House Amendment Schedule "A", offered by Mr. Palmieri,  
of the 74th.

ROBERT G. GILLIGAN:

Would the Clerk please read the Amendment.

MR. SPEAKER:

The Clerk please read House "A".

THE CLERK:

In line 18, before the word "osteopathic", insert  
"optometrical,".

MR. SPEAKER:

You have the Amendment. What is your pleasure, sir?

ROBERT G. GILLIGAN:

Mr. Speaker, I move adoption of the Amendment.

MR. SPEAKER:

The question's on adoption of House "A", and will you

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remark?

efr

ROBERT G. GILLIGAN:

Yes, Mr. Speaker. The Amendment is self-explanatory. It would include optometrical as one of the medical practices included. It was overlooked in the original bill. I move its adoption.

MR. SPEAKER:

Will you remark further on adoption of House "A"? If not, the question, then, is on its adoption. All those in favor will indicate by saying "aye". Opposed. House "A" is adopted and ruled technical. Will you remark further on the bill as amended by Senate "A" and House "A"?

ROBERT G. GILLIGAN:

Yes, Mr. Speaker. Mr. Speaker, since I indicated the Amendment is the bill, I would urge passage of the bill.

MR. SPEAKER:

Will you remark further on the bill as amended?

MORRIS M. COHEN:

Mr. Speaker, this bill is a most necessary bill if we are to continue checking on health care delivery in our State. Peer review committees must constantly judge the services rendered by their peers. Without giving them this immunity, they would not be able to do so. It's a very good bill.

MR. SPEAKER:

Will you remark further on the bill? Will all the Members be seated, and the staff come to the well. The machine will be opened. The machine is still open. Have all the Members voted?

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Is your vote properly recorded? If so, the machine will be closed, efr and the Clerk will take a tally. The Clerk please announce the tally.

The following is the result of the vote:

Total number voting . . . . .	142
Necessary for passage . . . . .	72
Those voting Yea. . . . .	142
Those voting Nay. . . . .	0
Those absent and not voting . . . . .	9

The bill as amended is passed.

THE CLERK:

Page 5, at the bottom of the page, Calendar 669, H.B. 5276, an Act concerning appropriations for improvement and maintenance of public roads. Committee on Appropriations.

GARDNER E. WRIGHT, JR.:

Mr. Speaker. Thank you, Mr. Speaker. Mr. Speaker, I move for acceptance of the Joint Committee's favorable report and passage of the bill.

MR. SPEAKER:

The question's on acceptance and passage. Will you remark, sir?

GARDNER E. WRIGHT, JR.:

Yes, Mr. Speaker. This bill would take 11.2 million dollars that is now included in the so-called Appropriated Construction Funds within the Department of Transportation and cause

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which we rejected down here and substituted House "A" which is very similar in nature and the conference committee agreed to accept the House version, so I move adoption of thereport.

THE SPEAKER:

Will you remark further on the motion for acceptance? If not, will the members be seated and the staff come to the well. The machine will be open. Have all the members voted? Is your vote properly recorded? If so, the machine will be closed and the Clerk will take a tally. Will the Clerk please announce the tally.

THE CLERK:

Total Number Voting.....	128
Necessary for Passage.....	65
Those Voting Yea.....	128
Those Voting Nay.....	0
Those Absent and Not Voting.....	23

THE SPEAKER:

The report is accepted and the bill is PASSED.

THE CLERK:

Referred to a Committee on Conference, Calendar No. 475,  
S.B. No. 56, An Act Concerning Peer Review Immunity, File Nos. 43, 399, 612.

MR. HEALEY (72nd):

The Committee on Conference with respect to S.B. No. 56 has met. We have come to a conclusion as to our recommendation and a report is on file with the Clerk.

THE SPEAKER:

The Clerk please read the report of the Committee on Conference.

THE CLERK:

The Senate and House Committee on Conference has met and agreed

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to reject Senate Amendment Schedule "A", reject House Amendment Schedule "A" and insert a new amendment House Amendment Schedule "B", signed Sens. Flynn, DeNardis, Neiditz, Reps. Healey, Cohen and Post.

THE SPEAKER:

In furtherance of the Report of the Committee of Conference which is on file, the Clerk please call and read the Committee of Conference amendment.

(record  
21)

The Clerk please call the Committee of Conference amendment.

THE CLERK:

House Amendment Schedule "B".

THE SPEAKER:

Does the gentleman from the 72nd seek leave of the chamber to summarize in lieu of Clerk's reading?

MR. HEALEY (72nd):

I so request, sir.

THE SPEAKER:

Is there objection? Hearing none, the gentleman from the 72nd.

MR. HEALEY (72nd):

Mr. Speaker, House "B" recommended by the Committee on Conference has to sections 1, 2 and 3, is identical with your file No. 399.

The difference between House "B" and File No. 399 has to do with section 4. Section 4 gave many of us, particularly in the House, a great deal of technical problems because it would appear on a reading of section 4 to create a method whereby certain evidence could be washed through a Peer Review group and thereby be immunized from utilization in any other proceedings. What House "B" does is insert a new section 4 which restricts

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this to the opinions of the medical review committee that they are not subject to discovery or introduction into evidence and that no person who is in attendance at a meeting of such committee shall be permitted or required to testify in civil actions as to any opinions of said committee. It makes it crystal clear that the evidence itself has not been surrounded with the immunity.

Sections 1, 2 and 3 are of great importance because they do extend immunity to the members of the Peer Review Committee, something which we regard as being very important.

I move acceptance of the Committee on Conference report and passage of the bill.

THE SPEAKER:

Motion is for acceptance of the report of the Committee on Conference and passage of the bill. Will you remark further? If not, will the members please be seated, the staff come to the well, the machine will be open. The machine is still open. Have all the members voted? Is your vote properly recorded? If so, the machine will be closed and the Clerk will take a tally.

The Clerk please announce the tally.

MR. ST. PIERRE (22nd):

Mr. Speaker, in the affirmative please.

THE SPEAKER:

The gentleman from the 22nd in the affirmative. The Clerk please note.

The Clerk please announce the tally.

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THE CLERK:

Total Number Voting.....135  
 Necessary for Passage..... 68  
 Those Voting Yea.....135  
 Those Voting Nay..... 0  
 Those Absent and Not Voting..... 16

THE SPEAKER:

The report is accepted, motion for acceptance of the report  
prevails, carried and the bill is PASSED.

The gentleman from the 53rd, for what purpose does the gentle-  
 man rise?

MR. WALSH (53rd):

For purposes of a motion, Mr. Speaker.

THE SPEAKER:

I'm sorry. I didn't hear you sir.

MR. WALSH (53rd):

Purposes of a motion, Mr. Speaker.

I would move--

THE SPEAKER:

Please proceed.

MR. WALSH (53rd):

I would move for reconsideration of Calendar No. 1006, substi-  
 tute for S.B. No. 610, An Act Concerning Bonds Authorized for Platt Vocational  
 Technical School, File No. 817. I believe, sir, I was in the prevailing side.

THE SPEAKER:

The chamber's attention is directed to page 2 of today's  
 Calendar. The motion is for reconsideration of the chamber's previous  
 action on page 2, Calendar No. 1006, substitute for S.B. No. 610, File 812,

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## SENATE

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passed retaining. We had previously marked Calendar 286 to be taken up but at the request of the Minority, we will mark it passed retaining. Calendar 287 will be taken up; Calendar 288 will be marked passed retaining; Calendar 289 will be taken up. Mr. President, there's one additional item on page 13 under the Heading of Matters Returned from the Legislative Commissioner, Calendar 82 which is now reprinted and is File 282, previously adopted by the Senate and I would ask that we take it up today. Mr. President, if I may, all those remaining double starred items that we have not commented on, I would ask that they be marked passed retaining.

THE CHAIR:

Thank you. You may proceed.

THE CLERK:

Turning to page two of the Calendar, under the heading Favorable Reports, Calendar No. 68, File 43, Favorable Report of the Joint Standing Committee on Public Health and Safety, Senate Bill No. 56, AN ACT PROTECTING MEMBERS OF THE DOCTORS PEER REVIEW.

THE CHAIR:

Senator Ciarlone.

SENATOR CIARLONE:

Mr. President, I move acceptance of the Joint Committee's Favorable Report and passage of the Bill.

THE CHAIR:

Will you remark?

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SENATOR CIARLONE:

Mr. President, the Clerk has an Amendment.

THE CLERK:

Clerk has Senate Amendment, Schedule A, File No. 43, Senate Bill No. 56, LCO 2466.

SENATOR CIARLONE:

Mr. President, I waive the reading of the Amendment and I will explain it.

THE CHAIR:

You may proceed.

SENATOR CIARLONE:

Thank you, Mr. President. Mr. President, this Amendment was developed in consort with the Committee on Insurance with Senator Flynn. The Public Health and Safety Committee originally reported out a Doctor's Peer Review that basically gave immunity to physicians serving on a Peer Review Committee. This Amendment further clarifies the immunity of a doctor's peer review. The Amendment is more sophisticated in the original Bill that addresses itself to peer review, etc., and further, the Amendment is also addressing itself to all the professions in the medical profession. I would at this point - I don't see Senator Flynn in the Chamber - I was going to yield to him for further discussion but the fact that he is not here - I would move the Amendment, Mr. President.

THE CHAIR:

The Motion is on the adoption of the Amendment. Would you remark further? If not, all those in favor of the Amendment signify by saying aye. Those opposed

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nay. The ayes have it. The Amendment is adopted. Senator Ciarlone.

SENATOR CIARLONE:

Mr. President, the remarks that I just gave on the Amendment apply to the Bill and if there is no dispute on this Bill or if there is no discussion on it, I would move it to the Consent Calendar.

THE CHAIR:

No objection, so ordered.

THE CLERK:

Moving to the top of page three of the Calendar, Calendar No. 119, File 74, Favorable Report of the Joint Standing Committee on Public Health and Safety, Senate Bill No. 52, AN ACT CONCERNING PENALTIES FOR HEALTH VIOLATORS.

THE CHAIR:

Senator Ciarlone.

SENATOR CIARLONE:

Mr. President, I believe the Clerk has an Amendment on this Bill also.

THE CHAIR:

Do you waive the reading of the Amendment?

SENATOR CIARLONE:

I do, Mr. President.

THE CLERK:

Clerk has Senate Amendment A, File No. 74, Senate Bill No. 52, LCO 196, introduced by Senator Ciarlone.

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## SENATE

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THE CHAIR:

Senator Ciarlone, would you approach the podium, please?

THE CLERK:

Turning to page seventeen of the Calendar, under heading Disagreeing Actions, Calendar 68, Files 43, 399 and 612, Favorable Report of the Joint Standing Committee on Judiciary, Substitute for Senate Bill 56, AN ACT CONCERNING PEER REVIEW IMMUNITY, as amended by Senate Amendment, Schedule A and House Amendment, Schedule A.

THE CHAIR:

Senator Flynn.

SENATOR FLYNN:

Mr. President, I move rejection of House Amendment, Schedule A.

THE CHAIR:

Will you remark?

SENATOR FLYNN:

Yes, Mr. President. House Amendment, Schedule A removed the provision of this original Bill which would have provided that persons involved in one of these peer review panels could not be subjected to later subpoena and examination about what went on there. The original Bill provided adequate protection right in the body of the Bill so that nothing by being laundered through one of these peer review committees would have been immune from subpoena if it was otherwise available in its original form. I think there was adequate protection here and this was really the heart of this measure and I would, therefore, ask the body to support rejection of A.

THE CHAIR:

Motion is for rejection. Will you remark further? All those in favor of rejection, signify by saying aye. Those opposed nay. The Motion is carried.

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What do you wish to do on the Bill proper?

SENATOR LIEBERMAN:

Mr. President, I would move the Bill to the Consent Calendar. I think there may be need for a Committee on Conference.

THE CHAIR:

What is the Motion, Senator Lieberman?

SENATOR SCHWARTZ:

Mr. President. Point of Order, Mr. President. There is no need for a Committee on Conference because the House should have a right to rescind their own Amendment so this should go back to the House to be a Disagreeing Action in that Chamber.

THE CHAIR:

Senator Flynn.

SENATOR FLYNN:

Mr. President, I respectfully agree with Senator Schwartz. I believe that this matter can now be printed on the House Calendar and we give them that option to rescind their prior action. If they don't, at that juncture, we may have a change to confer in a Conference Committee.

THE CHAIR:

Senator Lieberman.

SENATOR LIEBERMAN:

Mr. President, I would, therefore, move this Bill to the Consent Calendar.

THE CHAIR:

Hearing no objection, it is so ordered.

THE CLERK:

Calendar 137, Files 97 and 648, Favorable Report of the Joint Standing Committee on Judiciary, Senate Bill 210, AN ACT CONCERNING LATE FILING OF

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May 4, 1976 J.G.T. 121

SENATOR LIEBERMAN:

We got the word from the State Central Committee, Mr. President.

THE CHAIR:

Possibly Lou Rome could make a call to Freddie Biebel.

SENATOR LIEBERMAN:

I would second that.

THE CHAIR:

Where are we now, Honey?

THE CLERK:

On page 9 of the calendar ...

SENATOR ROME:

Mr. President, I wasn't in the Chamber. Senator Alfano is taking who to lunch - dinner?

THE CHAIR:

Ought to go in Charlie's boat. O.K. Go ahead.

THE CLERK:

On page 9 of the calendar, under the heading COMMITTEE ON CONFERENCE, calendar 68, Files 43, 399, 612, Favorable Report of the Joint Standing Committee on Judiciary, substitute for Senate Bill 56. AN ACT CONCERNING PEER REVIEW IMMUNITY. (As amended by Senate Amendment Schedule "A" and House Amendment Schedule "B").

THE CHAIR:

Who was on the Committee? Senator Flynn.

SENATOR FLYNN:

Mr. President, I'd like to report on behalf of the Committee on Conference which consisted of Representatives Healey, Post,

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Cohen and Senator Nelditz and Senator DeNardis and myself and the report of the Committee on Conference is to reject Senate Amendment Schedule "A", to reject House Amendment Schedule "A", and insert new amendment House "B". The bill as it was passed by the Senate would be substantially the same except we provide that the opinions of the Medical Review Committee shall not be subject to discovery or introduction into evidence in any civil action for or against a health provider arising out of the matters which is subject to evaluation review by such committee and no person who is in attendance at a meeting of such committee shall be permitted or required to testify at any such civil action as to any opinions of said committee presented during such proceedings. Mr. President, I think this is a good report. It will preserve the meat, or at least some of the meat, of what was beneficial in the original Senate bill. I think it's a good compromise, and I would move at this time for acceptance of the report of the Committee on Conference with its attachments.

THE CHAIR:

Question then is on the acceptance of the Committee on Conference. All in favor, please say aye, opposed say nay. The ayes have it and the Committee on Conference is accepted. I do believe we have to go forward now, don't we, and adopt the bill?

SENATOR FLYNN:

Mr. President, I would move this matter to the Consent Calendar at the suggestion of one of my more experienced colleagues.

THE CHAIR:

Matter has been moved for the Consent Calendar. Do you have