

# Silent 'words' tell lawmakers of need for health care safeguards

By Susan Corica  
HERALD REPORTER

HARTFORD — "Our state owes it to its citizens to provide health-care safeguards wherever possible and warranted. I believe mandatory malpractice insurance is such a safeguard; I believe that it is warranted," Linda Solsbury of New Britain told state lawmakers this week.

Ms. Solsbury did not actually speak those words aloud. She cannot speak at all. She gave written testimony to a Public Health Committee hearing Thursday on a bill to re-

quire health care providers to carry malpractice insurance.

The bill was written by state Rep. Theresa B. Gerratana (D-New Britain), a member of the committee, specifically with Ms. Solsbury's case in mind.

Ms. Solsbury, who was the subject of a Herald profile last September, told the committee how on Oct. 25, 1984, at age 36, she suffered a brain stem stroke, resulting in quadriplegia and an inability to speak or eat.

She now lives at the Hospital for Special Care, but her life used to be very different. She lived in New London, a single parent working as a nurse and going to college part-

time. She had an active social life and was a serious amateur dancer.

Then a neck adjustment by her chiropractor changed everything. She said she felt something was wrong, but reassured by her chiropractor she left his office and went about her day. Seven hours later she suffered a severe stroke, due to a tear in the vertebral artery leading to her brain.

"Life, as I knew it, came to a sudden grinding halt that Friday," she said.

The chiropractor, whom she doesn't name in her testimony, was Thomas Goulding of Waterford.

Though she immediately suspected him to

be the cause of her injury, this wasn't substantiated until three months later. A neurologist in Boston, where she was undergoing rehabilitation, advised her to seek malpractice compensation, she recalled.

"He indicated that he rarely suggested seeking legal representation but he felt it was warranted in view of the ongoing medical expenses I would incur in the years ahead. He also felt the severity of my injury demanded professional accountability."

When she pursued compensation she learned that the chiropractor had not renewed his malpractice insurance in more than two years, after he had opened a pri-

vate practice in a modern office complex and invested in costly equipment, she said.

"He further steadfastly denied any responsibility for my injury, and still does to this day. His response was to allude to the costliness of a trial on my part and to imply that bankruptcy was his option if needed."

Her lawyers represented her without fee and the evidence convinced a jury to award her \$10 million in compensation. The amount was based on the estimated \$8 million required for private care in an adapted dwelling, she said.

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"The chiropractor's response to the verdict was to declare personal bankruptcy. Thus, I never received the jury's award. Meanwhile, the chiropractor continues to practice in the same office complex."

Medicaid, and thus the taxpayers, pay for her care now.

"I am not telling any of this to elicit pity or sympathy," Ms. Solsbury said. "I've achieved a measure of peace in my struggle with the reality of my situation."

"I believe in the words of Ecclesiastes that there is a 'time to tear down, and a time to build.' My life was torn down and I dwelled in the ruins for a long time. I still do, and always will, endure certain sorrows. However, this no longer paralyzes my soul or dictates what is vital in my life."

She said people are usually surprised to hear that physicians and other health care practitioners don't have to have malpractice insurance in Connecticut.

"While an individual practitioner probably couldn't carry enough malpractice insurance to meet my own needs, SOME kind of coverage would have helped defray state costs for my care," she said.

"For the average citizen, a lesser injury is a realistic possibility — either because of malpractice or simply because of human error. Mandatory insurance coverage would be a safety net for vulnerable consumers. I believe they are entitled to that security."

Mandatory malpractice insurance would also assure that standards of care and ethical practice are consistent throughout the health care professions, she said. "Most health care practitioners are committed individuals who are scrupulous about their level of skill and training. They nevertheless must suffer from the negative fall-out of their unscrupulous colleagues."

Is there a way for a patient to recognize which practitioner is competent and which is not?

she asked. "I certainly couldn't tell by my chiropractor's office or practice size. I believe mandatory malpractice insurance would help weed out incompetents."

Pennsylvania and Massachusetts already give their citizens the safeguard of mandatory malpractice insurance, she said. "Connecticut can add her name to this pioneer act and do the same."