

2150 Corbin Avenue
New Britain, CT 06053
March 10, 1994

Dear Legislators of Connecticut:

My name is Linda Solsbury. In October of 1984, at age 36, I suffered a brain stem stroke. The results were quadriplegia and an inability to speak or eat. I currently reside at Hospital for Special Care in New Britain, Connecticut as a continuing care patient. Needless to say, my life is a daily challenge.

Prior to October 25, 1984, my life was very different. I lived in New London, Connecticut, was a single parent of a 16-year old daughter, and had a full-time job as a nurse on a pediatric unit. I was also a part-time college student working toward a degree. I had many friends and engaged in an active social life. Dance was a serious hobby for several years. My life was full and, indeed, quite a different sort of challenge than the one I face today.

The morning of October 25 I had an appointment with my chiropractor. Within minutes of the cervical adjustment, I knew that something was wrong. However, reassured by his professional experience, I left his office and continued with my plans for the day. Seven hours later I suffered a severely debilitating stroke. This was due to a tear in the vertebral artery leading to my brain that happened during the chiropractic adjustment.

My daughter witnessed the latter stage of the stroke. I was admitted to the ICU semicomatose and placed on life support. Life, as I knew it, came to a sudden grinding halt that Friday. As is often the case in long-term traumatic illness, I wasn't the only one to suffer. My family has experienced much trauma from the ordeal these past eight and a half years as well. My contacts with them have been sparse. Not because of indifference, but rather because avoidance provides the emotional buffer needed to deal with the anguish and complexity of emotions generated by my hospitalization.

Despite my early convictions during my acute care, the cause of my traumatic injury was never firmly substantiated to be a result of the chiropractic treatment. It wasn't until three months after the stroke when I was receiving acute rehabilitation in Boston, that a neurologist scrutinized the medical data and spoke with his colleagues. He told me in general terms that he felt there were many abuses in my case that warranted seeking malpractice compensation. 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.

I did as he suggested, only to discover that my chiropractor had not renewed his malpractice insurance in over two years, coincidental with his having opened his own private practice in a modern office complex and investing in costly equipment. 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.

To its credit, my law firm felt strongly enough to pursue my case without fee, which was most affirming. Medical testimony was also compelling enough to convince a jury to judge in my favor. I was awarded ten million dollars in compensation. If this sounds extreme, the amount was based on the estimated 8 million dollars required for private care in an adapted dwelling. This is not quite the same as being forced on Title 19 with the cost of my care delegated to the taxpayers of this state. 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.

I am not telling any of this to elicit pity or sympathy. 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.

Telling you my story is the preface to my purpose for being here. I've heard time and again, in response to my experience, "How can someone practice in the health care field without malpractice insurance?" "I thought they had to have it;" "Everyone has to insure their cars, but people aren't protected?" I ask you a similar question today. Shouldn't there be safeguards in the health care system for consumers like me? I ask that question as an advocate for justice in health care delivery.

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. 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.

As for health providers themselves, mandatory malpractice insurance would assure that standards of care and ethical practice are consistent throughout the professions. 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. How does one recognize them? I certainly couldn't tell by my chiropractor's office or practice size. I believe mandatory malpractice insurance would help weed out incompetents. It would help assure that professionals are truly professionals in every sense of the word.

Lastly, I believe that 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. Our nearby sister states, Pennsylvania and Massachusetts, believe in giving its citizens such safeguards. Connecticut can add her name to this pioneer act and do the same. Please give this bill the attention it deserves. Thank you for your time and attention.

Sincerely,

Linda Solsbury