



General Assembly

January Session, 2003

Raised Bill No. 1067

LCO No. 3709

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING FAIRNESS IN MEDICAL EXAMINATIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 52-178a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 [In any action to recover damages for personal injuries, the court or
4 judge may order the plaintiff to submit to a physical examination by
5 one or more physicians or surgeons. No party may be compelled to
6 undergo a physical examination by any physician to whom he objects
7 in writing submitted to the court or judge.] In any action to recover
8 damages for personal injuries, any party adverse to the plaintiff may
9 request that the plaintiff submit to a physical or mental examination by
10 one or more health care providers. The request shall be filed with the
11 court and specify the time, place, manner, conditions and scope of the
12 examination and the person or persons by whom the examination is to
13 be made. Any such request shall be complied with by the plaintiff
14 unless, not later than ten days after the date of the filing of the request,
15 the plaintiff files in writing with the court an objection thereto
16 specifying, for good cause shown, to which portions of the request
17 objection is made and the reasons for such objection. Absent a showing

18 of good cause, the court shall order the plaintiff to submit to such an
19 examination.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>

Statement of Purpose:

To promote fairness in discovery by requiring plaintiffs in personal injury lawsuits to demonstrate good cause as a basis for objecting to an independent medical examination.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]