



General Assembly

Amendment

February Session, 2004

LCO No. 4098

HB0566904098HDO

Offered by:

REP. MERRILL, 54th Dist.
REP. HAMZY, 78th Dist.
REP. TRUGLIA, 145th Dist.
REP. PAWELKIEWICZ, 49th Dist.
REP. BOUCHER, 143rd Dist.
REP. JOHNSTON, 51st Dist.
REP. STONE, 134th Dist.
REP. CAFERO, 142nd Dist.
REP. ADINOLFI, 103rd Dist.
REP. BELDEN, 113th Dist.
REP. BIELAWA, 2nd Dist.
REP. CARSON, 108th Dist.
REP. CONGDON, 42nd Dist.
REP. D'AMELIO, 71st Dist.
REP. DICKMAN, 132nd Dist.
REP. FERRARI, 62nd Dist.
REP. FLOREN, 149th Dist.
REP. FREY, 111th Dist.
REP. GIBBONS, 150th Dist.
REP. HARKINS, 120th Dist.
REP. HETHERINGTON, 125th Dist.
REP. HOVEY, 112th Dist.
REP. KALINOWSKI, 100th Dist.

REP. MILLER, 122nd Dist.
REP. NOUJAIM, 74th Dist.
REP. PETERS, 30th Dist.
REP. POWERS, 151st Dist.
REP. SAWYER, 55th Dist.
REP. SCRIBNER, 107th Dist.
REP. STRIPP, 135th Dist.
REP. TYMNIAK, 133rd Dist.
REP. WILLIAMS, 68th Dist.
REP. WINKLER, 41st Dist.
REP. WITKOS, 17th Dist.
REP. BERNHARD, 136th Dist.
REP. CONWAY, 75th Dist.
REP. GRAZIANI, 57th Dist.
REP. MALONE, 47th Dist.
REP. MCMAHON, 15th Dist.
REP. NAFIS, 27th Dist.
REP. REINOSO, 130th Dist.
REP. ROY, 119th Dist.
REP. THOMPSON, 13th Dist.
REP. WILBER, 63rd Dist.
SEN. FREEDMAN, 26th Dist.
SEN. CAPPIELLO, 24th Dist.

To: Subst. House Bill No. 5669

File No. 504

Cal. No. 355

"AN ACT CONCERNING MEDICAL MALPRACTICE INSURANCE REFORM."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Subsection (a) of section 52-572h of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective from*
5 *passage*):

6 (a) For the purposes of this section: (1) "Economic damages" means
7 compensation determined by the trier of fact for pecuniary losses
8 including, but not limited to, the cost of reasonable and necessary
9 medical care, rehabilitative services, custodial care and loss of earnings
10 or earning capacity excluding any noneconomic damages; (2)
11 "noneconomic damages" means compensation determined by the trier
12 of fact for all nonpecuniary losses including, but not limited to,
13 physical pain and suffering and mental and emotional suffering; (3)
14 "recoverable economic damages" means the economic damages
15 reduced by any applicable findings including but not limited to
16 set-offs, credits, comparative negligence, additur and remittitur, and
17 any reduction provided by section 52-225a; (4) "recoverable
18 noneconomic damages" means the noneconomic damages reduced by
19 any applicable findings including but not limited to set-offs, credits,
20 comparative negligence, additur and remittitur; (5) "health care
21 institution" means a health care institution licensed pursuant to
22 chapter 368v; and (6) "health care provider" means an individual
23 provider of health care licensed pursuant to chapters 370 to 373,
24 inclusive, chapters 375 to 383c, inclusive, or chapter 400j.

25 Sec. 502. Section 52-572h of the general statutes is amended by
26 adding subsection (p) as follows (*Effective from passage*):

27 (NEW) (p) In any action filed on or after October 1, 2004, to recover
28 damages resulting from personal injury or wrongful death, whether in
29 tort or in contract, in which it is alleged that such injury or death
30 resulted from the professional negligence of a health care provider or
31 health care institution, or both, in the medical diagnosis, care or

32 treatment of the claimant:

33 (1) The amount of recoverable noneconomic damages allowed the
34 claimant shall not exceed three hundred fifty thousand dollars for each
35 claimant with respect to defendant health care providers, regardless of
36 the number of defendant health care providers against whom the claim
37 is asserted or the number of separate causes of action on which each
38 claim is based, except that if the conduct of the defendant is found by
39 the trier of fact to constitute gross, wilful or wanton negligence, the
40 amount of recoverable noneconomic damages allowed each claimant
41 under this subdivision shall not exceed one million fifty thousand
42 dollars;

43 (2) The amount of recoverable noneconomic damages allowed the
44 claimant shall not exceed six hundred fifty thousand dollars for each
45 claimant with respect to defendant health care institutions, regardless
46 of the number of defendant health care institutions against which the
47 claim is asserted or the number of separate causes of action on which
48 each claim is based, except that if the conduct of the defendant is
49 found by the trier of fact to constitute gross, wilful or wanton
50 negligence, the amount of recoverable noneconomic damages allowed
51 each claimant under this subdivision shall not exceed one million nine
52 hundred fifty thousand dollars;

53 (3) An award or combination of awards in excess of the limitations
54 set forth in subdivisions (1) and (2) of this subsection shall be reduced
55 to the applicable limits by the court. The limits in subdivisions (1) and
56 (2) of this subsection shall not be disclosed to a jury;

57 (4) The Chief Court Administrator shall adjust the amount of
58 recoverable noneconomic damages set forth in subdivisions (1) and (2)
59 of this subsection annually on February first to reflect the percentage
60 increase, if any, in the most recent calendar year average in the
61 consumer price index for urban consumers over the average for the
62 previous calendar year."