



General Assembly

February Session, 2004

**Amendment**

LCO No. 4042

**\*HB0566904042HDO\***

Offered by:

REP. MERRILL, 54<sup>th</sup> Dist.  
REP. HAMZY, 78<sup>th</sup> Dist.  
REP. TRUGLIA, 145<sup>th</sup> Dist.  
REP. PAWELKIEWICZ, 49<sup>th</sup> Dist.  
REP. BOUCHER, 143<sup>rd</sup> Dist.  
REP. JOHNSTON, 51<sup>st</sup> Dist.  
REP. STONE, 134<sup>th</sup> Dist.  
REP. CAFERO, 142<sup>nd</sup> Dist.  
REP. ADINOLFI, 103<sup>rd</sup> Dist.  
REP. BELDEN, 113<sup>th</sup> Dist.  
REP. BIELAWA, 2<sup>nd</sup> Dist.  
REP. CARSON, 108<sup>th</sup> Dist.  
REP. CONGDON, 42<sup>nd</sup> Dist.  
REP. D'AMELIO, 71<sup>st</sup> Dist.  
REP. DICKMAN, 132<sup>nd</sup> Dist.  
REP. FERRARI, 62<sup>nd</sup> Dist.  
REP. FLOREN, 149<sup>th</sup> Dist.  
REP. FREY, 111<sup>th</sup> Dist.  
REP. GIBBONS, 150<sup>th</sup> Dist.  
REP. HARKINS, 120<sup>th</sup> Dist.  
REP. HETHERINGTON, 125<sup>th</sup> Dist.  
REP. HOVEY, 112<sup>th</sup> Dist.  
REP. KALINOWSKI, 100<sup>th</sup> Dist.  
REP. MILLER, 122<sup>nd</sup> Dist.

REP. NOUJAIM, 74<sup>th</sup> Dist.  
REP. PETERS, 30<sup>th</sup> Dist.  
REP. POWERS, 151<sup>st</sup> Dist.  
REP. SAWYER, 55<sup>th</sup> Dist.  
REP. SCRIBNER, 107<sup>th</sup> Dist.  
REP. STRIPP, 135<sup>th</sup> Dist.  
REP. TYMNIAK, 133<sup>rd</sup> Dist.  
REP. WILLIAMS, 68<sup>th</sup> Dist.  
REP. WINKLER, 41<sup>st</sup> Dist.  
REP. WITKOS, 17<sup>th</sup> Dist.  
REP. BERNHARD, 136<sup>th</sup> Dist.  
REP. BERGER, 73<sup>rd</sup> Dist.  
REP. CONWAY, 75<sup>th</sup> Dist.  
REP. GRAZIANI, 57<sup>th</sup> Dist.  
REP. MALONE, 47<sup>th</sup> Dist.  
REP. MCMAHON, 15<sup>th</sup> Dist.  
REP. NAFIS, 27<sup>th</sup> Dist.  
REP. REINOSO, 130<sup>th</sup> Dist.  
REP. ROY, 119<sup>th</sup> Dist.  
REP. THOMPSON, 13<sup>th</sup> Dist.  
REP. WILBER, 63<sup>rd</sup> Dist.  
SEN. FREEDMAN, 26<sup>th</sup> Dist.  
SEN. CAPPIELLO, 24<sup>th</sup> Dist.

To: Subst. House Bill No. 5669

File No. 504

Cal. No. 355

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**"AN ACT CONCERNING MEDICAL MALPRACTICE INSURANCE REFORM."**

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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4 repealed and the following is substituted in lieu thereof (*Effective from*  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."