



General Assembly

January Session, 2005

**Raised Bill No. 1192**

LCO No. 3768

\*03768\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT CONCERNING OPEN DISCLOSURE OF INFORMATION IN  
LEGAL MATTERS.**

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

1 Section 1. (NEW) (*Effective October 1, 2005*) No settlement agreement  
2 entered into on or after the effective date of this section of a claim for  
3 the recovery of damages for personal injury shall contain a provision  
4 that prohibits or restricts any person from disclosing information  
5 concerning such claim or injury, except that a court may enter an order  
6 restricting the disclosure of certain information if the court finds that  
7 the privacy interests of a party outweigh the public's interest in  
8 accessing such information. There shall be a presumption that the  
9 public interest in disclosure outweighs the privacy interests of a party  
10 in nondisclosure. Any court order that restricts the disclosure of  
11 information shall be limited to only such information that is necessary  
12 to protect the overriding privacy interests of a party.

13 Sec. 2. (NEW) (*Effective October 1, 2005*) No physician, hospital or  
14 other health care provider, or any person, firm, corporation or other  
15 entity acting on behalf of such physician, hospital or health care  
16 provider, shall require any person to enter into an agreement on or

17 after the effective date of this section to settle any medical claim or  
18 dispute with such physician, hospital or health care provider that  
19 contains a provision that prevents such person from (1) reporting the  
20 conduct of such physician, hospital or health care provider to any  
21 federal, state or municipal agency, or (2) voluntarily cooperating with  
22 any federal, state or municipal agency in an investigation of the  
23 conduct of such physician, hospital or health care provider.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	New section
Sec. 2	<i>October 1, 2005</i>	New section

**Statement of Purpose:**

To limit the sealing or nondisclosure of materials that are relevant to a legal claim and to prohibit medical malpractice settlement agreements from containing provisions that prevent the reporting of the malpractice to governmental authorities or prevent cooperation with governmental authorities.

*[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.]*