



# Senate

General Assembly

**File No. 425**

February Session, 2008

Senate Bill No. 507

*Senate, April 3, 2008*

The Committee on Judiciary reported through SEN. MCDONALD of the 27th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

***AN ACT CONCERNING THE ADMISSIBILITY OF REPORTS  
PREPARED BY PHYSICIAN ASSISTANTS AND ADVANCED  
PRACTICE REGISTERED NURSES.***

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

1 Section 1. Section 52-174 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2008*):

3 (a) In all actions for the recovery of damages for personal injuries or  
4 death, (1) if a physician, dentist, chiropractor, natureopath, physical  
5 therapist, podiatrist, psychologist, emergency medical technician,  
6 optometrist, physician assistant, advanced practice registered nurse,  
7 professional engineer or land surveyor has died prior to the trial of the  
8 action, or (2) if a physician, dentist, chiropractor, natureopath, physical  
9 therapist, podiatrist, psychologist, emergency medical technician,  
10 optometrist, physician assistant, advanced practice registered nurse,  
11 professional engineer or land surveyor is physically or mentally  
12 disabled at the time of the trial of the action to such an extent that such  
13 person is no longer actively engaged in the practice of the profession,

14 the party desiring to offer into evidence the written records and  
15 reports of the physician, dentist, chiropractor, natureopath, physical  
16 therapist, podiatrist, psychologist, emergency medical technician, [or]  
17 optometrist, physician assistant or advanced practice registered nurse  
18 concerning the patient who suffered the injuries or death, [and] or the  
19 reports and scale drawings of the professional engineer or land  
20 surveyor concerning [matter] matters relevant to the circumstances  
21 under which the injuries or death was sustained shall apply to the  
22 court in which the action is pending for permission to introduce the  
23 evidence. Notice of the application shall be served on the adverse  
24 party in the same manner as any other pleading. The court to which  
25 the application is made shall determine whether the person is disabled  
26 to the extent that the person cannot testify in person in the action.  
27 Upon the court finding that the person is so disabled, the matters shall  
28 be admissible in evidence as a business entry in accordance with the  
29 provisions of section 52-180 when offered by any party in the trial of  
30 the action.

31 (b) In all actions for the recovery of damages for personal injuries or  
32 death, pending on October 1, 1977, or brought thereafter, and in all  
33 court proceedings in family relations matters, as defined in section  
34 46b-1, or in the Family Support Magistrate Division, pending on  
35 October 1, 1998, or brought thereafter, and in all other civil actions  
36 pending on October 1, 2001, or brought thereafter, any party offering  
37 in evidence a signed report and bill for treatment of any treating  
38 physician, dentist, chiropractor, natureopath, physical therapist,  
39 podiatrist, psychologist, emergency medical technician, [or]  
40 optometrist, physician assistant or advanced practice registered nurse  
41 may have the report and bill admitted into evidence as a business  
42 entry and it shall be presumed that the signature on the report is that  
43 of the treating physician, dentist, chiropractor, natureopath, physical  
44 therapist, podiatrist, psychologist, emergency medical technician, [or]  
45 optometrist, physician assistant or advanced practice registered nurse  
46 and that the report and bill were made in the ordinary course of  
47 business. The use of any such report or bill in lieu of the testimony of  
48 such treating physician, dentist, chiropractor, natureopath, physical

49 therapist, podiatrist, psychologist, emergency medical technician, [or]  
 50 optometrist, physician assistant or advanced practice registered nurse  
 51 shall not give rise to any adverse inference concerning the testimony or  
 52 lack of testimony of such treating physician, dentist, chiropractor,  
 53 natureopath, physical therapist, podiatrist, psychologist, emergency  
 54 medical technician, [or] optometrist, physician assistant or advanced  
 55 practice registered nurse.

56 (c) This section shall not be construed as prohibiting either party or  
 57 the court from calling the treating physician, dentist, chiropractor,  
 58 natureopath, physical therapist, podiatrist, psychologist, emergency  
 59 medical technician, [or] optometrist, physician assistant or advanced  
 60 practice registered nurse as a witness.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	52-174

**JUD**      *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

---

**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

**Explanation**

The bill allows the written records and reports of Physician Assistants and Advanced Practice Registered Nurses to be admitted into evidence in civil and family actions without requiring the presence of these professionals in court. There is no related fiscal impact.

**The Out Years**

**State Impact:** None

**Municipal Impact:** None

**OLR Bill Analysis****SB 507*****AN ACT CONCERNING THE ADMISSIBILITY OF REPORTS PREPARED BY PHYSICIAN ASSISTANTS AND ADVANCED PRACTICE REGISTERED NURSES.*****SUMMARY:**

This bill applies the same rules in civil cases concerning the admissibility of records, reports, and bills of physician assistants, and advanced practice registered nurses, as currently apply to these other health care providers: physicians, dentists, chiropractors, naturopaths, physical therapists, podiatrists, psychologists, emergency medical technicians, and optometrists.

Specifically, the bill allows in any civil action, signed reports and bills of physician assistants and advanced practice registered nurses to be introduced as business entry evidence without calling the professional to testify. The bill establishes a presumption that the signature on the report is the physician assistant's or advanced practice registered nurse's and that it was made in the ordinary course of business.

Also, the bill allows any party in a civil action for personal injuries or death to apply to the court where the action is pending to introduce as any business entry, written records and reports about the injured or deceased patient made by a physician assistant, or advanced practice registered nurse who (1) died before the trial, or (2) is physically or mentally disabled at the time of trial and no longer actively engage in his or her profession. These records and reports must be about the circumstances under which the patients injury or death was sustained.

The court must determine whether the physician assistant or

advanced practice registered nurse is disabled to the extent that the he or she cannot testify in person. If the court finds that the person is disabled, it must admit the evidence as a business entry.

EFFECTIVE DATE: October 1, 2008

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable

Yea 42 Nay 0 (03/17/2008)