



General Assembly

February Session, 2008

Raised Bill No. 507

LCO No. 2533

* SB00507GAE__040808__*

Referred to Committee on Judiciary

Introduced by:
(JUD)

**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 Section 52-174 of the general statutes is repealed and the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	October 1, 2008	52-174

JUD *Joint Favorable*

GAE *Joint Favorable*