



# House of Representatives

General Assembly

**File No. 672**

January Session, 2009

Substitute House Bill No. 6642

*House of Representatives, April 16, 2009*

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING SOLICITATION OF CLIENTS, PATIENTS OR CUSTOMERS.**

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

1 Section 1. (NEW) (*Effective October 1, 2009*) (a) For the purposes of  
2 this section:

3 (1) "Provider" means an attorney, a health care professional, an  
4 owner or operator of a health care practice or facility, any person who  
5 creates the impression that the person or the person's practice or  
6 facility can provide legal or health care services or any person  
7 employed by or acting on behalf of any of such persons;

8 (2) "Public media" means telephone directories, professional  
9 directories, newspapers and other periodicals, radio, television,  
10 billboards and mailed or electronically transmitted written  
11 communications that do not involve in-person contact with a specific  
12 prospective client, patient or customer, except that "public media" does  
13 not include contact with or mailings to any person who has been

14 involved in a motor vehicle accident within forty days after such  
15 accident or contact with or mailings to any person who has suffered a  
16 personal injury or whose relative has suffered a wrongful death unless  
17 the accident or disaster occurred more than forty days prior to the  
18 communication; and

19 (3) "Runner" means a person who, for a pecuniary benefit, procures  
20 or attempts to procure a client, patient or customer at the direction of,  
21 request of or in cooperation with a provider whose purpose is to seek  
22 to obtain benefits under an insurance contract or assert a claim against  
23 an insured or an insurance company for providing services to the  
24 client, patient or customer, or to obtain benefits under or assert a claim  
25 against a state or federal health care benefits program or prescription  
26 drug assistance program, except that "runner" does not include a  
27 person who procures or attempts to procure a client, patient or  
28 customer for a provider through public media or a person who refers a  
29 client, patient or customer to a provider as otherwise authorized by  
30 law.

31 (b) A person who knowingly acts as a runner or uses, solicits,  
32 directs, hires or employs another person to act as a runner shall be  
33 fined not more than five thousand dollars or imprisoned not more than  
34 one year, or both.

35 (c) The provisions of subsection (b) of this section shall not apply to  
36 the referral of persons by an attorney or health care professional to  
37 another attorney or health care professional or referrals between  
38 attorneys or between health care professionals.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	New section

**Statement of Legislative Commissioners:**

In subsection (a), technical and grammatical changes were made for accuracy and clarity.

**JUD**      *Joint Favorable Subst.-LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Judicial Dept.	GF - Revenue Gain	Potential	Potential
Judicial Dpt (Probation); Correction, Dept.	GF - Cost	Potential	Potential

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill makes it a violation of state law, punishable by imprisonment for up to 1 year and/or a fine of up to \$5,000, for any person to act as a "runner", which the bill defines.

The potential volume of offenses under this new crime is unknown. However, to the extent that offenders are subject to incarceration or probation supervision in the community as a result of the bill, a potential cost to criminal justice agencies exists. On average, it costs the state \$3,736 to supervise an offender on probation in the community as compared to \$44,165 to incarcerate the offender.

**The Out Years**

The annualized ongoing potential costs for incarceration and probation identified above would continue into the future subject to inflation; the annualized potential revenue gain from criminal fines would remain constant into the future since fine amounts are set by statute.

**OLR Bill Analysis****sHB 6642*****AN ACT CONCERNING SOLICITATION OF CLIENTS, PATIENTS OR CUSTOMERS.*****SUMMARY:**

This bill makes it a crime for someone to knowingly, for financial gain, procure or attempt to procure a client, patient, or customer at the direction of, request of, or in cooperation with a “provider” as defined by the bill whose purpose is to:

1. seek to obtain benefits under an insurance contract;
2. assert a claim against an insured or an insurance carrier for providing services to the client, patient, or customer; or
3. obtain benefits under or assert a claim against a state or federal health care benefits program or prescription drug assistance program.

The bill labels such a person a “runner.” The bill also makes it a crime to solicit, direct, hire, or employ someone as a runner.

The penalty for acting as, or hiring, a runner is imprisonment for up to one year, or a fine of up to \$5,000, or both.

The criminal penalties do not apply to the referrals by an attorney or health care professional to another attorney or health care professional, or referrals between attorneys or between health care professionals.

The bill specifies that a “runner” does not include someone who procures or attempts to procure clients, patients, or customers for a provider through public media or a person who refers clients, patients, or customers to a provider as otherwise authorized by law.

EFFECTIVE DATE: October 1, 2009

**PROVIDER**

Under the bill a “provider” is an

1. attorney, a health care professional, an owner or operator of a health care practice or facility;
2. any person who creates the impression that he or she individually or his or her practice or facility can provide legal or health care services; or
3. any person employed or acting on their behalf.

**PUBLIC MEDIA**

Under the bill “public media” means telephone directories, professional directories, newspapers and other periodicals, radio and television, billboards, mail, or electronically transmitted written communications that do not involve in-person contact with a specific prospective client, patient, or customer. The bill specifies that “public media” does not include contact or mailings within 40 days of an accident to any person (1) who has been involved in a motor vehicle accident, (2) who has suffered a personal injury, or (3) whose relative has suffered a wrongful death.

**COMMITTEE ACTION**

Judiciary Committee

Joint Favorable  
Yea 42 Nay 0 (03/27/2009)