



General Assembly

January Session, 2009

Substitute Bill No. 6642

* HB06642JUD 033009 *

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
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Statement of Legislative Commissioners:

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

JUD *Joint Favorable Subst.-LCO*