



General Assembly

January Session, 2009

Committee Bill No. 641

LCO No. 4921

04921SB00641JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

**AN ACT CONCERNING THE STATUTE OF LIMITATIONS FOR
MEDICAL MALPRACTICE ACTIONS WITH RESPECT TO ACQUIRED
BRAIN INJURY.**

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

1 Section 1. Section 52-584 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 No action to recover damages for injury to the person, or to real or
4 personal property, caused by negligence, or by reckless or wanton
5 misconduct, or by malpractice of a physician, surgeon, dentist,
6 podiatrist, chiropractor, hospital or sanatorium, shall be brought but
7 within two years from the date when the injury is first sustained or
8 discovered or in the exercise of reasonable care should have been
9 discovered, and except that (1) no such action may be brought more
10 than three years from the date of the act or omission complained of,
11 except that no such action may be brought more than four years from
12 the date of the act or omission complained of if the court determines
13 that the injury was not discovered, could not have been discovered in
14 the exercise of reasonable care, or discovery was delayed because of
15 acquired brain injury suffered by the injured party during the three-

16 year period established in this subdivision, and (2) a counterclaim may
17 be interposed in any such action any time before the pleadings in such
18 action are finally closed.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	52-584

Statement of Purpose:

To assist victims of acquired brain injury who may be unable to effectively act or communicate on their own behalf by extending the statute of limitations in medical malpractice actions with respect to acquired brain injury.

[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.]

Co-Sponsors: SEN. STILLMAN, 20th Dist.; REP. FRITZ, 90th Dist.

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