



HB 5531
Public Hearing: 3/24/10

TO: MEMBERS OF THE JUDICIARY COMMITTEE
FROM: CONNECTICUT TRIAL LAWYERS ASSOCIATION (CTLA)
DATE: MARCH 24, 2010

**RE: SUPPORT OF HB 5531 AN ACT CONCERNING THE
ADMISSIBILITY OF MEDICAL BILLS IN CIVIL ACTIONS**

The Connecticut Trial Lawyers Association urges the Judiciary Committee to SUPPORT House Bill 5531.

As you may know, the Connecticut Rules of Evidence and general statutes permit plaintiffs to offer medical bills as evidence of economic damages. Specifically, C.G.S. Section 52-572(a)(1) defines "economic damages" as including "the cost of reasonable and necessary medical care."

Frequently, when a health care provider submits its bill to the health insurance company, the carrier only pays for a portion of the bill. Pursuant to statute, if the provider accepts this payment, it cannot subsequently bill the patient for any remaining balance - C.G.S. Section 20-7f. Usually, there is a significant difference between what the health care provider bills and, what the insurance company pays. However, the total cost of the health care provided, regardless of any insurance company reduction or "write-off," remains the total cost of the health care provided.

This bill will offer a clarification to existing law and precedent, when the defendant objects to this total bill being offered into evidence - contrary to established rules of evidence and precedent, as if this "write-off" was a collateral source.

The total amount of the bill represents the true "cost of reasonable and necessary medical care" as required by C.G.S. Section 52-572h. In fact, a patient who is uninsured must still pay the health care provider an amount which is reasonable and appropriate and not subject to reduction or "write-off."

It has been held in the Superior Court and affirmed by the Appellate Court, that adjustments or "write-offs" are not collateral sources" pursuant to C.G.S. Section 52-225. *Hassett v. City of New Haven*, Docket No. CV 458974S (Aug. 25, 2004) (Blue, J.) affd. 91 Conn. App. 245 (Sept. 6, 2005).

FOR THE FOREGOING REASONS CTLA STRONGLY SUPPORTS HB 5531