



General Assembly

January Session, 2011

Raised Bill No. 6492

LCO No. 3987

03987_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING THE ADMISSIBILITY OF MEDICAL BILLS IN CIVIL ACTIONS.

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

1 Section 1. Subsections (a) to (e), inclusive, of section 52-572h of the
2 general statutes are repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2011, and applicable to actions filed on or after*
4 *said date*):

5 (a) For the purposes of this section: (1) "Economic damages" means
6 compensation determined by the trier of fact for pecuniary losses
7 including, but not limited to, the cost of reasonable and necessary
8 medical care, rehabilitative services, custodial care and loss of earnings
9 or earning capacity excluding any noneconomic damages; (2)
10 "noneconomic damages" means compensation determined by the trier
11 of fact for all nonpecuniary losses including, but not limited to,
12 physical pain and suffering and mental and emotional suffering; (3)
13 "recoverable economic damages" means the economic damages
14 reduced by any applicable findings including but not limited to
15 set-offs, credits, comparative negligence, additur and remittitur, and
16 any reduction provided by section 52-225a; (4) "recoverable

17 noneconomic damages" means the noneconomic damages reduced by
18 any applicable findings including, but not limited to, set-offs, credits,
19 comparative negligence, additur and remittitur; and (5) "health care
20 provider" has the meaning set forth in section 52-184b.

21 (b) In causes of action based on negligence, contributory negligence
22 shall not bar recovery in an action by any person or the person's legal
23 representative to recover damages resulting from personal injury,
24 wrongful death or damage to property if the negligence was not
25 greater than the combined negligence of the person or persons against
26 whom recovery is sought including settled or released persons under
27 subsection (n) of this section. The economic or noneconomic damages
28 allowed shall be diminished in the proportion of the percentage of
29 negligence attributable to the person recovering which percentage
30 shall be determined pursuant to subsection (f) of this section.

31 (c) In a negligence action to recover damages resulting from
32 personal injury, wrongful death or damage to property occurring on or
33 after October 1, 1987, if the damages are determined to be proximately
34 caused by the negligence of more than one party, each party against
35 whom recovery is allowed shall be liable to the claimant only for such
36 party's proportionate share of the recoverable economic damages and
37 the recoverable noneconomic damages except as provided in
38 subsection (g) of this section.

39 (d) The proportionate share of damages for which each party is
40 liable is calculated by multiplying the recoverable economic damages
41 and the recoverable noneconomic damages by a fraction in which the
42 numerator is the party's percentage of negligence, which percentage
43 shall be determined pursuant to subsection (f) of this section, and the
44 denominator is the total of the percentages of negligence, which
45 percentages shall be determined pursuant to subsection (f) of this
46 section, to be attributable to all parties whose negligent actions were a
47 proximate cause of the injury, death or damage to property including
48 settled or released persons under subsection (n) of this section. Any

49 percentage of negligence attributable to the claimant shall not be
50 included in the denominator of the fraction.

51 (e) (1) In any action to which this section is applicable, the
52 instructions to the jury given by the court shall include an explanation
53 of the effect on awards and liabilities of the percentage of negligence
54 found by the jury to be attributable to each party.

55 (2) In any action to which this section is applicable, evidence that a
56 health care provider accepted an amount less than the total amount of
57 any bill generated by the health care provider, or evidence that an
58 insurer paid less than the total amount of any bill generated by a
59 health care provider, shall not be admissible on the issue of the cost of
60 reasonable and necessary medical care.

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| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | <i>October 1, 2011, and applicable to actions filed on or after said date</i> | 52-572h(a) to (e) |

Statement of Purpose:

To provide that evidence that a health care provider accepted, or an insurer paid, a reduced amount of reimbursement for medical care shall not be admissible for the purpose of determining economic damages in civil actions.

[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.]