



General Assembly

Amendment

January Session, 2011

LCO No. 8658

HB0648708658SR0

Offered by:
SEN. BOUCHER, 26th Dist.

To: Subst. House Bill No. 6487 File No. 865 Cal. No. 576

"AN ACT CONCERNING CERTIFICATES OF MERIT."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Subsection (a) of section 52-572h of the general statutes is
4 repealed and the following is substituted in lieu thereof (*Effective*
5 *October 1, 2011, and applicable to actions filed on or after said date*):

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

16 set-offs, credits, comparative negligence, additur and remittitur, and
17 any reduction provided by section 52-225a; (4) "recoverable
18 noneconomic damages" means the noneconomic damages reduced by
19 any applicable findings including but not limited to set-offs, credits,
20 comparative negligence, additur and remittitur; (5) "health care
21 institution" means a health care institution licensed pursuant to
22 chapter 368v; and (6) "health care provider" means an individual
23 provider of health care licensed pursuant to chapters 370 to 373,
24 inclusive, or 375 to 383c, inclusive, chapter 368d, 384a, 388, 398 or 399,
25 or a pharmacist or other person, other than a health care institution,
26 licensed pursuant to chapter 400j.

27 Sec. 502. Section 52-572h of the general statutes is amended by
28 adding subsection (p) as follows (*Effective October 1, 2011, and applicable*
29 *to actions filed on or after said date*):

30 (NEW) (p) In any action filed on or after October 1, 2011, to recover
31 damages resulting from personal injury or wrongful death, whether in
32 tort or in contract, in which it is alleged that such injury or death
33 resulted from the professional negligence of a health care provider or
34 health care institution, or both, in the medical diagnosis, care or
35 treatment of the claimant:

36 (1) The amount of recoverable noneconomic damages allowed the
37 claimant shall not exceed two hundred fifty thousand dollars for each
38 claimant with respect to defendant health care providers and
39 defendant health care institutions, regardless of the number of
40 defendant health care providers and defendant health care institutions
41 against whom the claim is asserted or the number of separate causes of
42 action on which each claim is based; and

43 (2) An award or combination of awards in excess of the limitations
44 set forth in subdivision (1) of this subsection shall be reduced to the
45 applicable limits by the court. The limitations in subdivision (1) of this
46 subsection shall not be disclosed to a jury."