



General Assembly

Substitute Bill No. 5545

February Session, 2012

* _____HB05545JUD___040212_____*

AN ACT CONCERNING FINANCIAL LIABILITY FOR AMBULANCE SERVICES, EVIDENCE OF COLLATERAL SOURCE PAYMENTS AND EVIDENCE OF BILLS FROM TREATING HEALTHCARE PROVIDERS.

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

1 Section 1. (NEW) (*Effective October 1, 2012*) (a) Except as provided in
2 subsection (b) of this section and subject to the provisions of sections
3 19a-177, 38a-498 and 38a-525 of the general statutes, any person who
4 receives emergency medical treatment services or transportation
5 services from a licensed ambulance service or certified ambulance
6 service shall be liable to such ambulance service for the reasonable and
7 necessary costs of providing such services, irrespective of whether
8 such person agreed or consented to such liability.

9 (b) The provisions of this section shall not apply to any person who
10 receives emergency medical treatment services or transportation
11 services from a licensed ambulance service or certified ambulance
12 service for an injury arising out of and in the course of his employment
13 as defined in section 31-275 of the general statutes.

14 Sec. 2. Subsection (b) of section 52-225a of the general statutes is
15 repealed and the following is substituted in lieu thereof (*Effective*
16 *October 1, 2012, and applicable to actions filed on or after said date*):

17 (b) Upon a finding of liability and an awarding of damages by the

18 trier of fact and before the court enters judgment, the court shall
19 receive evidence from the claimant and other appropriate persons
20 concerning the total amount of collateral sources which have been paid
21 for the benefit of the claimant as of the date the court enters judgment.
22 For purposes of this section, evidence that a physician or physician
23 assistant licensed under chapter 370, dentist licensed under chapter
24 379, chiropractor licensed under chapter 372, natureopath licensed
25 under chapter 373, physical therapist licensed under chapter 376,
26 podiatrist licensed under chapter 375, psychologist licensed under
27 chapter 383, an emergency medical technician certified under chapter
28 368d, optometrist licensed under chapter 380 or advanced practice
29 registered nurse licensed under chapter 378, accepted an amount less
30 than the total amount of any bill generated by such physician,
31 physician assistant, dentist, chiropractor, natureopath, physical
32 therapist, podiatrist, psychologist, emergency medical technician,
33 optometrist or advanced practice registered nurse, or evidence that an
34 insurer paid less than the total amount of any bill generated by such
35 physician, physician assistant, dentist, chiropractor, natureopath,
36 physical therapist, podiatrist, psychologist, emergency medical
37 technician, optometrist or advanced practice registered nurse, shall be
38 admissible as evidence of the total amount of collateral sources which
39 have been paid for the benefit of the claimant as of the date the court
40 enters judgment.

41 Sec. 3. Subsections (a) and (b) of section 52-174 of the general
42 statutes are repealed and the following is substituted in lieu thereof
43 (*Effective October 1, 2012*):

44 (a) In all actions for the recovery of damages for personal injuries or
45 death, (1) if a physician licensed under chapter 370, dentist licensed
46 under chapter 379, chiropractor licensed under chapter 372,
47 natureopath licensed under chapter 373, physical therapist licensed
48 under chapter 376, podiatrist licensed under chapter 375, psychologist
49 licensed under chapter 383, emergency medical technician certified
50 under chapter 368d, optometrist licensed under chapter 380, physician
51 assistant licensed under chapter 370, advanced practice registered

52 nurse licensed under chapter 378, professional engineer licensed under
53 chapter 391 or land surveyor licensed under chapter 391 has died prior
54 to the trial of the action, or (2) if [a] such physician, dentist,
55 chiropractor, natureopath, physical therapist, podiatrist, psychologist,
56 emergency medical technician, optometrist, physician assistant,
57 advanced practice registered nurse, professional engineer or land
58 surveyor is physically or mentally disabled at the time of the trial of
59 the action to such an extent that such person is no longer actively
60 engaged in the practice of the profession, the party desiring to offer
61 into evidence the written records and reports of the physician, dentist,
62 chiropractor, natureopath, physical therapist, podiatrist, psychologist,
63 emergency medical technician, optometrist, physician assistant or
64 advanced practice registered nurse concerning the patient who
65 suffered the injuries or death, or the reports and scale drawings of the
66 professional engineer or land surveyor concerning matters relevant to
67 the circumstances under which the injuries or death was sustained
68 shall apply to the court in which the action is pending for permission
69 to introduce the evidence. Notice of the application shall be served on
70 the adverse party in the same manner as any other pleading. The court
71 to which the application is made shall determine whether the person is
72 disabled to the extent that the person cannot testify in person in the
73 action. Upon the court finding that the person is so disabled, the
74 matters shall be admissible in evidence as a business entry in
75 accordance with the provisions of section 52-180 when offered by any
76 party in the trial of the action.

77 (b) In all actions for the recovery of damages for personal injuries or
78 death, pending on October 1, 1977, or brought thereafter, and in all
79 court proceedings in family relations matters, as defined in section
80 46b-1, or in the Family Support Magistrate Division, pending on
81 October 1, 1998, or brought thereafter, and in all other civil actions
82 pending on October 1, 2001, or brought thereafter, any party offering
83 in evidence a signed report and bill for treatment of any treating
84 [physician, dentist, chiropractor, natureopath, physical therapist,
85 podiatrist, psychologist, emergency medical technician, optometrist,

86 physician assistant or advanced practice registered nurse] physician or
87 physician assistant licensed under chapter 370, dentist licensed under
88 chapter 379, chiropractor licensed under chapter 372, natureopath
89 licensed under chapter 373, physical therapist licensed under chapter
90 376, podiatrist licensed under chapter 375, psychologist licensed under
91 chapter 383, an emergency medical technician certified under chapter
92 368d, optometrist licensed under chapter 380 or advanced practice
93 registered nurse licensed under chapter 378, may have the report and
94 bill admitted into evidence as a business entry and it shall be
95 presumed that the signature on the report is that of [the] such treating
96 physician, physician assistant, dentist, chiropractor, natureopath,
97 physical therapist, podiatrist, psychologist, emergency medical
98 technician, optometrist [, physician assistant] or advanced practice
99 registered nurse and that the report and bill were made in the ordinary
100 course of business. The use of any such report or bill in lieu of the
101 testimony of such treating physician, physician assistant, dentist,
102 chiropractor, natureopath, physical therapist, podiatrist, psychologist,
103 emergency medical technician, optometrist [, physician assistant] or
104 advanced practice registered nurse shall not give rise to any adverse
105 inference concerning the testimony or lack of testimony of such
106 treating physician, physician assistant, dentist, chiropractor,
107 natureopath, physical therapist, podiatrist, psychologist, emergency
108 medical technician, optometrist [, physician assistant] or advanced
109 practice registered nurse. In any action to which this section applies,
110 the total amount of any bill generated by such physician, physician
111 assistant, dentist, chiropractor, natureopath, physical therapist,
112 podiatrist, psychologist, emergency medical technician, optometrist or
113 advanced practice registered nurse shall be admissible in evidence on
114 the issue of the cost of reasonable and necessary medical care. The
115 calculation of the total amount of the bill shall not be reduced because
116 such physician, physician assistant, dentist, chiropractor, natureopath,
117 physical therapist, podiatrist, psychologist, emergency medical
118 technician, optometrist or advanced practice registered nurse accepts
119 less than the total amount of the bill or because an insurer pays less
120 than the total amount of the bill.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	New section
Sec. 2	<i>October 1, 2012, and applicable to actions filed on or after said date</i>	52-225a(b)
Sec. 3	<i>October 1, 2012</i>	52-174(a) and (b)

Statement of Legislative Commissioners:

In section 3, subsection (a) of section 52-174 was added to the bill so that technical changes that conform to the changes in subsection (b) could be made.

JUD *Joint Favorable Subst.*