



General Assembly

Amendment

February Session, 2012

LCO No. 4477

HB0554504477HDO

Offered by:

REP. FOX, 146th Dist.

REP. ROWE, 123rd Dist.

To: Subst. House Bill No. 5545

File No. 549

Cal. No. 404

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

1 In lines 22 and 109, strike "section" and insert "subsection" in lieu
2 thereof

3 Change the effective date of section 2 to "*Effective October 1, 2012,*
4 *and applicable to all actions pending on or filed on or after said date*"

5 Strike section 3 in its entirety and substitute the following in lieu
6 thereof:

7 "Sec. 3. Section 52-174 of the general statutes is repealed and the
8 following is substituted in lieu thereof (*Effective October 1, 2012, and*
9 *applicable to all actions pending on or filed on or after said date*):

10 (a) In all actions for the recovery of damages for personal injuries or
11 death, (1) if a physician licensed under chapter 370, dentist licensed

12 under chapter 379, chiropractor licensed under chapter 372,
13 natureopath licensed under chapter 373, physical therapist licensed
14 under chapter 376, podiatrist licensed under chapter 375, psychologist
15 licensed under chapter 383, emergency medical technician certified
16 under chapter 368d, optometrist licensed under chapter 380, physician
17 assistant licensed under chapter 370, advanced practice registered
18 nurse licensed under chapter 378, professional engineer licensed under
19 chapter 391 or land surveyor licensed under chapter 391 has died prior
20 to the trial of the action, or (2) if [a] such physician, dentist,
21 chiropractor, natureopath, physical therapist, podiatrist, psychologist,
22 emergency medical technician, optometrist, physician assistant,
23 advanced practice registered nurse, professional engineer or land
24 surveyor is physically or mentally disabled at the time of the trial of
25 the action to such an extent that such person is no longer actively
26 engaged in the practice of the profession, the party desiring to offer
27 into evidence the written records and reports of the physician, dentist,
28 chiropractor, natureopath, physical therapist, podiatrist, psychologist,
29 emergency medical technician, optometrist, physician assistant or
30 advanced practice registered nurse concerning the patient who
31 suffered the injuries or death, or the reports and scale drawings of the
32 professional engineer or land surveyor concerning matters relevant to
33 the circumstances under which the injuries or death was sustained
34 shall apply to the court in which the action is pending for permission
35 to introduce the evidence. Notice of the application shall be served on
36 the adverse party in the same manner as any other pleading. The court
37 to which the application is made shall determine whether the person is
38 disabled to the extent that the person cannot testify in person in the
39 action. Upon the court finding that the person is so disabled, the
40 matters shall be admissible in evidence as a business entry in
41 accordance with the provisions of section 52-180 when offered by any
42 party in the trial of the action.

43 (b) In all actions for the recovery of damages for personal injuries or
44 death, pending on October 1, 1977, or brought thereafter, and in all
45 court proceedings in family relations matters, as defined in section

46 46b-1, or in the Family Support Magistrate Division, pending on
47 October 1, 1998, or brought thereafter, and in all other civil actions
48 pending on October 1, 2001, or brought thereafter, any party offering
49 in evidence a signed report and bill for treatment of any treating
50 [physician, dentist, chiropractor, natureopath, physical therapist,
51 podiatrist, psychologist, emergency medical technician, optometrist,
52 physician assistant or advanced practice registered nurse] physician or
53 physician assistant licensed under chapter 370, dentist licensed under
54 chapter 379, chiropractor licensed under chapter 372, natureopath
55 licensed under chapter 373, physical therapist licensed under chapter
56 376, podiatrist licensed under chapter 375, psychologist licensed under
57 chapter 383, an emergency medical technician certified under chapter
58 368d, optometrist licensed under chapter 380 or advanced practice
59 registered nurse licensed under chapter 378, may have the report and
60 bill admitted into evidence as a business entry and it shall be
61 presumed that the signature on the report is that of [the] such treating
62 physician, physician assistant, dentist, chiropractor, natureopath,
63 physical therapist, podiatrist, psychologist, emergency medical
64 technician, optometrist [, physician assistant] or advanced practice
65 registered nurse and that the report and bill were made in the ordinary
66 course of business. The use of any such report or bill in lieu of the
67 testimony of such treating physician, physician assistant, dentist,
68 chiropractor, natureopath, physical therapist, podiatrist, psychologist,
69 emergency medical technician, optometrist [, physician assistant] or
70 advanced practice registered nurse shall not give rise to any adverse
71 inference concerning the testimony or lack of testimony of such
72 treating physician, physician assistant, dentist, chiropractor,
73 natureopath, physical therapist, podiatrist, psychologist, emergency
74 medical technician, optometrist [, physician assistant] or advanced
75 practice registered nurse. In any action to which this section applies,
76 the total amount of any bill generated by such physician, physician
77 assistant, dentist, chiropractor, natureopath, physical therapist,
78 podiatrist, psychologist, emergency medical technician, optometrist or
79 advanced practice registered nurse shall be admissible in evidence on
80 the issue of the cost of reasonable and necessary medical care. The

81 calculation of the total amount of the bill shall not be reduced because
82 such physician, physician assistant, dentist, chiropractor, natureopath,
83 physical therapist, podiatrist, psychologist, emergency medical
84 technician, optometrist or advanced practice registered nurse accepts
85 less than the total amount of the bill or because an insurer pays less
86 than the total amount of the bill.

87 (c) This section shall not be construed as prohibiting either party or
88 the court from calling the treating physician, dentist, chiropractor,
89 natureopath, physical therapist, podiatrist, psychologist, emergency
90 medical technician, optometrist, physician assistant or advanced
91 practice registered nurse as a witness for purposes that include, but are
92 not limited to, providing testimony on the reasonableness of a bill for
93 treatment generated by such physician, dentist, chiropractor,
94 natureopath, physical therapist, podiatrist, psychologist, emergency
95 medical technician, optometrist, physician assistant or advanced
96 practice registered nurse."