
OLR Bill Analysis

sHB 5434

AN ACT CONCERNING THE PROFESSIONAL STANDARD OF CARE FOR EMERGENCY MEDICAL CARE PROVIDERS.

SUMMARY:

This bill raises the burden of proof in medical malpractice cases arising from treatment in hospital emergency departments. It requires the plaintiff to prove by clear and convincing evidence, rather than by a preponderance of the evidence, that the medical provider breached the prevailing professional standard of care. The bill applies to cases involving injuries or wrongful death occurring on or after its effective date.

Clear and convincing evidence means it is highly probable or reasonably certain that facts are true; preponderance of the evidence means it is more likely than not that facts are true.

EFFECTIVE DATE: October 1, 2012

BACKGROUND

Related Bill

SB 243 (File 331), reported favorably by the Judiciary Committee on March 21, 2012, expands the types of health care providers who can provide prelitigation opinion letters in medical malpractice cases and makes related changes.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute

Yea 23 Nay 3 (03/30/2012)