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Raised Bill 1105  
Public Hearing: 3-22-13

**TO: MEMBERS OF THE COMMITTEE ON APPROPRIATIONS**  
**FROM: CONNECTICUT TRIAL LAWYERS ASSOCIATION (CTLA)**  
**DATE: MARCH 22, 2013**

**RE: OPPOSITION TO RAISED BILL 1105 – AN ACT CONCERNING A RIGHT OF  
RECOVERY AGAINST THIRD PARTIES FOR MEDICAL EXPENSES PAID BY  
STATE-PROVIDED GROUP HOSPITALIZATION AND MEDICAL AND SURGICAL  
INSURANCE PLANS FOR COVERED EMPLOYEES**

The Connecticut Trial Lawyers Association (CTLA) opposes Raised Bill #1105, "An Act Concerning A Right Of Recovery Against Third Parties For Medical Expenses Paid By State-Provided Group Hospitalization and Medical and Surgical Insurance Plans for Covered Individuals." This bill seeks to radically alter the manner in which medical expenses are handled in third party civil litigation brought on behalf of individuals covered by the State Health plan.

Currently, the Connecticut collateral source statute defines the manner in which medical expenses are handled in civil lawsuits. Connecticut General Statute § 52-225a. Pursuant to the collateral source statute, if a jury awards medical expenses in a civil lawsuit, then after the trial, the judge conducts a hearing, and deducts from the jury award any medical expenses that have been paid by health insurance. During the hearing, the insured gets a credit, against the deduction, for premiums paid to obtain the insurance during the relevant time.

The proposed bill seeks to significantly change this procedure for all litigants who obtain their insurance under the State of Connecticut health plan. First, the bill seeks to exempt state employees from the provisions of the collateral source statute. Second, the bill then requires the employees to pay back the state health plan from the proceeds of their third party lawsuits. Third, the bill empowers the Attorney General's office to bring a suit, in the name of the employee, against third parties, even when no such action is pursued by the individual employee.

The bill suffers from several infirmities. By exempting state employees from the protections of the collateral source statute, the bill unfairly penalizes state employees. Likewise, the bill unjustly interferes with the private constitutional rights of state employees to seek legal redress for civil wrongs. The State has no legal entitlement or right to damages awarded in a private third party action.

By empowering the Attorney General to pursue an action in the name of the state employee, without any notice to, or consent from, the employee, the proposed bill creates an unprecedented intrusion on the employees civil rights. If the employee is pursuing his own third party action, the creation of a "parallel action", creates an unworkable and an unmanageable scheme that would paralyze the pursuit of both claims.

Accordingly, CTLA strongly opposes Raised Bill Number 1105.