



House Bill No. 5338

Public Act No. 14-37

AN ACT CONCERNING THE ADMISSIBILITY OF RECORDS AND REPORTS OF CERTAIN EXPERT WITNESSES AS BUSINESS ENTRIES.

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

Section 1. Section 52-174 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014, and applicable to all actions pending on or filed on or after said date*):

(a) In all actions for the recovery of damages for personal injuries or death, (1) if a physician, [licensed under chapter 370, dentist licensed under chapter 379] dentist, chiropractor, [licensed under chapter 372,] natureopath, [licensed under chapter 373,] physical therapist, [licensed under chapter 376,] podiatrist, [licensed under chapter 375,] psychologist, [licensed under chapter 383,] social worker, mental health professional, emergency medical technician, [certified under chapter 368d,] optometrist, [licensed under chapter 380,] physician assistant, [licensed under chapter 370,] advanced practice registered nurse, [licensed under chapter 378,] professional engineer [licensed under chapter 391] or land surveyor [licensed under chapter 391] has died prior to the trial of the action, or (2) if such physician, dentist, chiropractor, natureopath, physical therapist, podiatrist, psychologist, social worker, mental health professional, emergency medical

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technician, optometrist, physician assistant, advanced practice registered nurse, professional engineer or land surveyor is physically or mentally disabled at the time of the trial of the action to such an extent that such person is no longer actively engaged in the practice of the profession, the party desiring to offer into evidence the written records and reports of the physician, dentist, chiropractor, natureopath, physical therapist, podiatrist, psychologist, social worker, mental health professional, emergency medical technician, optometrist, physician assistant or advanced practice registered nurse concerning the patient who suffered the injuries or death, or the reports and scale drawings of the professional engineer or land surveyor concerning matters relevant to the circumstances under which the injuries or death was sustained shall apply to the court in which the action is pending for permission to introduce the evidence. Notice of the application shall be served on the adverse party in the same manner as any other pleading. The court to which the application is made shall determine whether the person is disabled to the extent that the person cannot testify in person in the action. Upon the court finding that the person is so disabled, the matters shall be admissible in evidence as a business entry in accordance with the provisions of section 52-180 when offered by any party in the trial of the action.

(b) In all actions for the recovery of damages for personal injuries or death, pending on October 1, 1977, or brought thereafter, and in all court proceedings in family relations matters, as defined in section 46b-1, or in the Family Support Magistrate Division, pending on October 1, 1998, or brought thereafter, and in all other civil actions pending on October 1, 2001, or brought thereafter, any party offering in evidence a signed report and bill for treatment of any treating physician or physician assistant, [licensed under chapter 370,] dentist, [licensed under chapter 379,] chiropractor, [licensed under chapter 372,] natureopath, [licensed under chapter 373,] physical therapist, [licensed under chapter 376,] podiatrist, [licensed under chapter 375,]

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psychologist, [licensed under chapter 383,] social worker, mental health professional, an emergency medical technician, [certified under chapter 368d,] optometrist [licensed under chapter 380] or advanced practice registered nurse, [licensed under chapter 378,] may have the report and bill admitted into evidence as a business entry and it shall be presumed that the signature on the report is that of such treating physician, physician assistant, dentist, chiropractor, natureopath, physical therapist, podiatrist, psychologist, social worker, mental health professional, emergency medical technician, optometrist or advanced practice registered nurse and that the report and bill were made in the ordinary course of business. The use of any such report or bill in lieu of the testimony of such treating physician, physician assistant, dentist, chiropractor, natureopath, physical therapist, podiatrist, psychologist, social worker, mental health professional, emergency medical technician, optometrist or advanced practice registered nurse shall not give rise to any adverse inference concerning the testimony or lack of testimony of such treating physician, physician assistant, dentist, chiropractor, natureopath, physical therapist, podiatrist, psychologist, social worker, mental health professional, emergency medical technician, optometrist or advanced practice registered nurse. In any action to which this subsection applies, the total amount of any bill generated by such physician, physician assistant, dentist, chiropractor, natureopath, physical therapist, podiatrist, psychologist, social worker, mental health professional, emergency medical technician, optometrist or advanced practice registered nurse shall be admissible in evidence on the issue of the cost of reasonable and necessary medical care. The calculation of the total amount of the bill shall not be reduced because such physician, physician assistant, dentist, chiropractor, natureopath, physical therapist, podiatrist, psychologist, social worker, mental health professional, emergency medical technician, optometrist or advanced practice registered nurse accepts less than the total amount of the bill or because an insurer pays less than the total amount of the

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bill.

(c) This section shall not be construed as prohibiting either party or the court from calling the treating physician, dentist, chiropractor, natureopath, physical therapist, podiatrist, psychologist, social worker, mental health professional, emergency medical technician, optometrist, physician assistant or advanced practice registered nurse as a witness for purposes that include, but are not limited to, providing testimony on the reasonableness of a bill for treatment generated by such physician, dentist, chiropractor, natureopath, physical therapist, podiatrist, psychologist, social worker, mental health professional, emergency medical technician, optometrist, physician assistant or advanced practice registered nurse.

Sec. 2. Subsection (b) of section 52-225a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2014, and applicable to all actions pending on or filed on or after said date*):

(b) Upon a finding of liability and an awarding of damages by the trier of fact and before the court enters judgment, the court shall receive evidence from the claimant and other appropriate persons concerning the total amount of collateral sources which have been paid for the benefit of the claimant as of the date the court enters judgment. For purposes of this subsection, evidence that a physician or physician assistant, [licensed under chapter 370,] dentist, [licensed under chapter 379,] chiropractor, [licensed under chapter 372,] natureopath, [licensed under chapter 373,] physical therapist, [licensed under chapter 376,] podiatrist, [licensed under chapter 375,] psychologist, [licensed under chapter 383,] social worker, mental health professional, an emergency medical technician, [certified under chapter 368d,] optometrist, [licensed under chapter 380,] or advanced practice registered nurse, [licensed under chapter 378,] accepted an amount less than the total amount of any bill generated by such physician, physician assistant,

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dentist, chiropractor, natureopath, physical therapist, podiatrist, psychologist, social worker, mental health professional, emergency medical technician, optometrist or advanced practice registered nurse, or evidence that an insurer paid less than the total amount of any bill generated by such physician, physician assistant, dentist, chiropractor, natureopath, physical therapist, podiatrist, psychologist, social worker, mental health professional, emergency medical technician, optometrist or advanced practice registered nurse, shall be admissible as evidence of the total amount of collateral sources which have been paid for the benefit of the claimant as of the date the court enters judgment.

Approved May 28, 2014