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Raised Bill 5338
Public Hearing: 3-5-14

TO: MEMBERS OF THE JUDICIARY COMMITTEE
FROM: CONNECTICUT TRIAL LAWYERS ASSOCIATION (CTLA)
DATE: MARCH 5, 2014

RE: **SUPPORT OF HB5338, AAC THE ADMISSABILITY OF RECORDS AND
REPORTS OF CERTAIN EXPERT WITNESSES AS BUSINESS ENTRIES**

HB 5338 addresses two issues. First it seeks to correct an unintended consequence of Public Act 12-142, section 3. The purpose of Public Act 12-142, section 3 was to make clear that in a personal injury case, the full amount of the medical bills for the person who was injured could be admitted in to evidence. However, when the final language of Public Act 12-142 was drafted by the LCO, language was inserted allowing only the medical bills and records of Connecticut health care providers could be admitted into evidence.

This was an error that was simply not caught. For decades the records and bills of out of state physicians have been admissible in Connecticut courts in the same fashion as are the records and bills of in state physicians. There is no reasonable basis to distinguish between in state and out of state providers. Unfortunately, the change in language was not caught until after passage.

HB5338 would simply return the language of Connecticut General Statutes Section 52-174 to where it was with regard to out of state providers. It was never the intention of anyone when passing Public Act 12-142 to no longer allow out of state records and bills into evidence.

The second purpose of HB5338 is to add to the definition of health care providers those records that can be admitted under Connecticut General Statutes Section 52-174. HB5338 would add to the definition the records of social workers and mental health workers.

Social workers and mental health workers are among our lowest paid and most overworked health care providers. They frequently work in the clinic setting. Under present law, in order to put their records into evidence, the party seeking admission of the records needs to issue a subpoena for the social worker or health care worker to come to court simply to authenticate their records. This pulls them away from their practices and their patients who need them.

HB5338 would allow any party to a lawsuit to put the records into evidence of a health care worker or social worker without issuing a subpoena as we do with any other medical provider under Section 52-174. There is no logical basis to treat these people differently from other providers such as natureopaths, chiropractors and optometrists whose records are allowed into evidence without their presence in court.

WE STRONGLY URGE YOU TO SUPPORT HB5338. Thank you.