



General Assembly

**Amendment**

February Session, 2016

LCO No. 5842



Offered by:  
REP. SRINIVASAN, 31<sup>st</sup> Dist.

To: Subst. Senate Bill No. 247                      File No. 549                      Cal. No. 546

(As Amended by Senate Amendment Schedule "A")

**"AN ACT CONCERNING A CAUSE OF ACTION FOR LOSS OF  
CONSORTIUM BY A MINOR CHILD WITH RESPECT TO THE  
DEATH OF A PARENT."**

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1        After the last section, add the following and renumber sections and  
2        internal references accordingly:

3        "Sec. 501. Section 52-225a of the general statutes is repealed and the  
4        following is substituted in lieu thereof (*Effective October 1, 2016*):

5        (a) In any civil action, whether in tort or in contract, wherein the  
6        claimant seeks to recover damages resulting from (1) personal injury or  
7        wrongful death occurring on or after October 1, 1987, or (2) personal  
8        injury or wrongful death, arising out of the rendition of professional  
9        services by a health care provider, occurring on or after October 1,  
10       1985, and prior to October 1, 1986, if the action was filed on or after  
11       October 1, 1987, and wherein liability is admitted or is determined by  
12       the trier of fact and damages are awarded to compensate the claimant,

13 the court shall reduce the amount of such award which represents  
14 economic damages, as defined in subdivision (1) of subsection (a) of  
15 section 52-572h, by an amount equal to the total of amounts  
16 determined to have been paid under subsection (b) of this section less  
17 the total of amounts determined to have been paid, contributed or  
18 forfeited under subsection (c) of this section, except that there shall be  
19 no reduction for (A) a collateral source for which a right of subrogation  
20 exists, and (B) the amount of collateral sources equal to the reduction  
21 in the claimant's economic damages attributable to the claimant's  
22 percentage of negligence pursuant to section 52-572h.

23 (b) Upon a finding of liability and an awarding of damages by the  
24 trier of fact and before the court enters judgment, the court shall  
25 receive evidence from the claimant and other appropriate persons  
26 concerning the total amount of collateral sources which have been paid  
27 for the benefit of the claimant as of the date the court enters judgment.  
28 For purposes of this subsection, evidence that a physician or physician  
29 assistant, dentist, chiropractor, naturopath, physical therapist,  
30 podiatrist, psychologist, social worker, mental health professional, an  
31 emergency medical technician, optometrist, or advanced practice  
32 registered nurse, accepted an amount less than the total amount of any  
33 bill generated by such physician, physician assistant, dentist,  
34 chiropractor, naturopath, physical therapist, podiatrist, psychologist,  
35 social worker, mental health professional, emergency medical  
36 technician, optometrist or advanced practice registered nurse, or  
37 evidence that an insurer paid less than the total amount of any bill  
38 generated by such physician, physician assistant, dentist, chiropractor,  
39 naturopath, physical therapist, podiatrist, psychologist, social worker,  
40 mental health professional, emergency medical technician, optometrist  
41 or advanced practice registered nurse, shall be admissible as evidence  
42 of the total amount of collateral sources which have been paid for the  
43 benefit of the claimant as of the date the court enters judgment.

44 (c) The court shall receive evidence from the claimant and any other  
45 appropriate person concerning any amount which has been paid,  
46 contributed or forfeited, as of the date the court enters judgment, by, or

47 on behalf of, the claimant or members of his immediate family to  
48 secure his right to any collateral source benefit which he has received  
49 as a result of such injury or death.

50 (d) Nothing in this section shall prohibit a claimant or defendant  
51 from introducing evidence of collateral source payments at the time of  
52 trial for the purpose of proving or disproving the amount of a  
53 claimant's economic damages, as defined in subsection (a) of section  
54 52-572h."

This act shall take effect as follows and shall amend the following sections:		
Sec. 501	October 1, 2016	52-225a