



Senate

General Assembly

File No. 606

February Session, 2018

Senate Bill No. 248

Senate, April 19, 2018

The Committee on Judiciary reported through SEN. DOYLE of the 9th Dist. and SEN. KISSEL of the 7th Dist., Chairpersons of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING THE CLAIMS AGAINST THE STATE OF PAUL DEMARIA.

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

1 Section 1. (*Effective from passage*) (a) Notwithstanding the failure to
2 file a proper notice of a claim against the state with the clerk of the
3 Office of the Claims Commissioner, within the time limitations
4 specified by subsection (a) of section 4-148 of the general statutes, Paul
5 DeMaria is authorized pursuant to the provisions of subsection (b) of
6 section 4-148 of the general statutes to present his claims against the
7 state to the Claims Commissioner. The General Assembly finds that
8 there is a public purpose served by encouraging accountable state
9 government through the full adjudication of cases involving persons
10 who claim to have been injured due to the conduct of state actors. The
11 General Assembly further finds it just and equitable that the time
12 limitations provided for in subsection (a) of section 4-148 of the general
13 statutes be tolled in a case such as this, involving a claimant who
14 alleges failure on the part of one or more state actors to detect the

15 presence of malignant mesothelioma in Sarah DeMaria, the decedent
 16 spouse of Paul DeMaria. The General Assembly further finds that such
 17 authorization remedies an injustice done to Sarah DeMaria and Paul
 18 DeMaria for which the state itself bears responsibility. The General
 19 Assembly deems such authorization to be just and equitable and finds
 20 that such authorization is supported by compelling equitable
 21 circumstances and would serve a public purpose. Claims authorized
 22 pursuant to this act shall be presented to the Claims Commissioner not
 23 later than one year after the effective date of this section.

24 (b) The state shall be barred from setting up the failure to comply
 25 with the provisions of sections 4-147 and 4-148 of the general statutes,
 26 from denying that notice of the claim was properly and timely given
 27 pursuant to sections 4-147 and 4-148 of the general statutes and from
 28 setting up the fact that the claim had once been considered by the
 29 Claims Commissioner, by the General Assembly or in a judicial
 30 proceeding as defenses to such claims.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

JUD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 19 \$	FY 20 \$
UConn Health Ctr.	Medical Malpractice Fund - Potential Cost	See Below	See Below

Municipal Impact: None

Explanation

The bill, which permits the claimant to present his claim to the Claims Commissioner for a hearing not later than a year from passage of this bill, results in a potential cost to the University of Connecticut (UConn) Health Center’s Medical Malpractice Fund. The potential cost will be incurred in FY 19 or FY 20 if the claimant presents his claim and a claim award or settlement results.

The Medical Malpractice Fund is a self-insurance fund, funded by UConn Health clinical revenues and used to pay medical malpractice claims. It is possible any claim award or settlement may exceed the fund’s resources, in which case UConn Health would need to use additional resources outside the Medical Malpractice Fund.

The Out Years

The bill has no fiscal impact in the out years.

OLR Bill Analysis

SB 248

AN ACT CONCERNING THE CLAIMS AGAINST THE STATE OF PAUL DEMARIA.

SUMMARY

The Office of Legislative Research does not analyze Special Acts.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable

Yea 40 Nay 1 (04/03/2018)