



General Assembly

January Session, 2019

Raised Bill No. 969

LCO No. 5064



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

***AN ACT CONCERNING THE REDUCTION OF ECONOMIC DAMAGES
IN A PERSONAL INJURY OR WRONGFUL DEATH ACTION FOR
COLLATERAL SOURCE PAYMENTS.***

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

1 Section 1. Section 52-225a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2019*):

3 (a) In any civil action, whether in tort or in contract, wherein (1) the
4 claimant seeks to recover damages resulting from [(1)] personal injury
5 or wrongful death, [occurring on or after October 1, 1987, or (2)
6 personal injury or wrongful death, arising out of the rendition of
7 professional services by a health care provider, occurring on or after
8 October 1, 1985, and prior to October 1, 1986, if the action was filed on
9 or after October 1, 1987, and wherein] and (2) liability is admitted or is
10 determined by the trier of fact and damages are awarded to
11 compensate the claimant, the court shall reduce the amount of such
12 award which represents economic damages, as defined in subdivision
13 (1) of subsection (a) of section 52-572h, by an amount equal to the total
14 of amounts determined to have been paid under subsection (b) of this

15 section less the total of amounts determined to have been paid,
16 contributed or forfeited under subsection (c) of this section, except that
17 there shall be no reduction for [(A) a collateral source for which a right
18 of subrogation exists, and (B) the amount] the amount (A) subject to a
19 right of subrogation, (B) agreed upon in full satisfaction of any right of
20 subrogation, (C) to which a right of subrogation has not been waived,
21 limited or extinguished, or (D) of collateral sources equal to the
22 reduction in the claimant's economic damages attributable to the
23 claimant's percentage of negligence pursuant to section 52-572h.

24 (b) Upon a finding of liability and an awarding of damages by the
25 trier of fact and before the court enters judgment, the court shall
26 receive evidence from the claimant and other appropriate persons
27 concerning: [the] (1) The total amount of collateral sources which have
28 been paid for the benefit of the claimant as of the date the court enters
29 judgment, (2) the total amounts subject to a right of subrogation, (3)
30 the total amounts agreed upon in full satisfaction of a right of
31 subrogation, and (4) the total amount to which a right of subrogation
32 has not been waived, limited or extinguished. For purposes of this
33 subsection, evidence that a physician or physician assistant, dentist,
34 chiropractor, naturopath, physical therapist, podiatrist, psychologist,
35 social worker, mental health professional, an emergency medical
36 technician, optometrist, or advanced practice registered nurse,
37 accepted an amount less than the total amount of any bill generated by
38 such physician, physician assistant, dentist, chiropractor, naturopath,
39 physical therapist, podiatrist, psychologist, social worker, mental
40 health professional, emergency medical technician, optometrist or
41 advanced practice registered nurse, or evidence that an insurer paid
42 less than the total amount of any bill generated by such physician,
43 physician assistant, dentist, chiropractor, naturopath, physical
44 therapist, podiatrist, psychologist, social worker, mental health
45 professional, emergency medical technician, optometrist or advanced
46 practice registered nurse, shall be admissible as evidence of the total
47 amount of collateral sources which have been paid for the benefit of
48 the claimant as of the date the court enters judgment.

49 (c) The court shall receive evidence from the claimant and any other
50 appropriate person concerning any amount which has been paid,
51 contributed or forfeited, as of the date the court enters judgment, by, or
52 on behalf of, the claimant or members of [his] the claimant's immediate
53 family to secure his or her right to any collateral source benefit which
54 [he] the claimant has received as a result of such injury or death.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2019</i>	52-225a

Statement of Purpose:

To permit a post-verdict collateral source reduction in damages in certain personal injury or wrongful death matters involving a right of subrogation.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]