

House of Representatives, April 8, 1998. The Committee on Judiciary reported through REP. LAWLOR, 99th DIST., Chairman of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING CHILD SUPPORT REFORM.

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

1 Section 18 of public act 97-7 of the June 18
2 special session is repealed and the following is
3 substituted in lieu thereof:

4 In any action, petition or proceeding under
5 chapters 815j, 815y and 816, any SIGNED reports or
6 bills FOR TREATMENT FROM ANY MEDICAL PRACTITIONER,
7 INCLUDING ANY TREATING PHYSICIAN, DENTIST,
8 CHIROPRACTOR, OSTEOPATH, NATUREOPATH, PODIATRIST,
9 PSYCHOLOGIST, EMERGENCY MEDICAL TECHNICIAN,
10 OPTOMETRIST OR HOSPITAL related to pregnancy,
11 childbirth or genetic or blood testing, shall be
12 admissible into evidence as a business record
13 without the need of further foundation, provided
14 any such report or bill is certified to be the
15 original or a copy thereof by the creator or
16 custodian of such report or bill and [shall
17 constitute prima facie evidence of amounts
18 incurred for such services or tests] IS SIGNED BY
19 THE MEDICAL PRACTITIONER WHO ISSUED SUCH REPORT OR
20 BILL. The use of any such report or bill in lieu
21 of actual testimony shall not give rise to any
22 adverse inference concerning the testimony [of the
23 creator of the record] OR LACK OF TESTIMONY OF

24 SUCH MEDICAL PRACTITIONER. ANY SUCH REPORT OR BILL
25 FROM A HOSPITAL OR MEDICAL PRACTITIONER LOCATED
26 OUTSIDE THIS STATE SHALL HAVE ATTACHED THERETO A
27 CERTIFICATION CONFORMING TO THE REQUIREMENTS OF
28 SECTION 52-180a. This section shall not be
29 construed to prohibit any party or the court from
30 calling any such medical practitioner as a
31 witness.

32 JUD COMMITTEE VOTE: YEA 39 NAY 0 JF

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"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF 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 HOUSE THEREOF FOR ANY PURPOSE."

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FISCAL IMPACT STATEMENT - BILL NUMBER HB 5739

STATE IMPACT	Potential Significant Revenue Loss, see explanation below
MUNICIPAL IMPACT	None
STATE AGENCY(S)	Department of Social Services and Various Criminal Justice Agencies

EXPLANATION OF ESTIMATES:

Passage of this bill may result in a reduction of federal funding received in the state Title IV-D child support enforcement program. It is anticipated in FY 99 that the state will receive an estimated \$14 million of federal funds for the child support enforcement program. Currently, the state is in compliance with the federal welfare reform (Personal Responsibility and Work Opportunity and Reconciliation Act of 1996) Title IV-D state law requirements. Passage of this bill may jeopardize the state's compliance and may result in reduced federal funding due to the change in the evidential requirement.

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OLR BILL ANALYSIS

HB 5739

AN ACT CONCERNING CHILD SUPPORT REFORM

SUMMARY: This bill makes several changes in a provision of last year's Child Support Reform Act concerning the admissibility of medical records in paternity cases. It (1) makes reports or bills related to pregnancy,

childbirth, and blood and genetic testing admissible as business records only if they are signed by the issuing practitioner; (2) limits the provision to treatment by a medical practitioner, including a physician, dentist, chiropractor, osteopath, natureopath, podiatrist, psychologist, emergency medical technician, optometrist, or hospital; and (3) deletes a provision making the report or bill prima facie evidence of amounts incurred for such services or tests.

Last year's act required that use of a bill or report not cause any adverse inference about the testimony of the record's creator. The bill expands this provision to cover adverse inferences concerning the lack of testimony, and it applies the provisions to the medical practitioner providing the treatment rather than the creator of the record.

Finally, the bill requires any report or bill from an out-of-state hospital or medical practitioner to have attached to it an affidavit from the person in charge of the record room indicating that it is an original or a copy made in the regular course of business and that it is normal to make such copies at the time of the transaction or event or soon after.

EFFECTIVE DATE: October 1, 1998

BACKGROUND

Admissibility of Medical Records

By law, the medical records provision applies in any paternity, support, or dissolution of marriage action, petition, or proceeding without foundation testimony if certification is attached that the bill is an original or a copy.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Report
Yea 39 Nay 0