



General Assembly

February Session, 2020

**Raised Bill No. 5053**

LCO No. 725



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 MADE ON BEHALF OF A  
CLAIMANT.**

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 Section 52-225a of the general statutes is repealed and the  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, 2020*):

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

15 amounts determined to have been paid, contributed or forfeited under  
16 subsection (c) of this section, except that there shall be no reduction for  
17 [(A) a collateral source for which a right of subrogation exists, and (B)  
18 the amount] the amount (A) subject to a right of subrogation, (B) agreed  
19 upon in full satisfaction of any right of subrogation, (C) to which a right  
20 of subrogation has not been waived, limited or extinguished, or (D) of  
21 collateral sources equal to the reduction in the claimant's economic  
22 damages attributable to the claimant's percentage of negligence  
23 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 receive  
26 evidence from the claimant and other appropriate persons concerning  
27 the total amount: [of] (1) Of collateral sources which have been paid for  
28 the benefit of the claimant as of the date the court enters judgment, (2)  
29 subject to a right of subrogation, (3) agreed upon in full satisfaction of a  
30 right of subrogation, and (4) to which a right of subrogation has not been  
31 waived, limited or extinguished. For purposes of this subsection,  
32 evidence that a physician or physician assistant, dentist, chiropractor,  
33 naturopath, physical therapist, podiatrist, psychologist, social worker,  
34 mental health professional, an emergency medical technician,  
35 optometrist, or advanced practice registered nurse, accepted an amount  
36 less than the total amount of any bill generated by such physician,  
37 physician assistant, dentist, chiropractor, naturopath, physical  
38 therapist, podiatrist, psychologist, social worker, mental health  
39 professional, emergency medical technician, optometrist or advanced  
40 practice registered nurse, or evidence that an insurer paid less than the  
41 total amount of any bill generated by such physician, physician  
42 assistant, dentist, chiropractor, naturopath, physical therapist,  
43 podiatrist, psychologist, social worker, mental health professional,  
44 emergency medical technician, optometrist or advanced practice  
45 registered nurse, shall be admissible as evidence of the total amount of  
46 collateral sources which have been paid for the benefit of the claimant  
47 as of the date the court enters judgment.

48 (c) The court shall receive evidence from the claimant and any other

49 appropriate person concerning any amount which has been paid,  
50 contributed or forfeited, as of the date the court enters judgment, by, or  
51 on behalf of, the claimant or members of his immediate family to secure  
52 his right to any collateral source benefit which he has received as a result  
53 of such injury or death.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2020</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.]*