

Department of Legislative Services
Maryland General Assembly
2014 Session

FISCAL AND POLICY NOTE

House Bill 996
Judiciary

(Delegate Carter, *et al.*)

Admissibility of Writings or Records of Health Care Providers

This bill, by removing current restrictions to admissibility, establishes that a health care provider's writings or records are admissible in District Court or circuit court civil trials for health care malpractice claims without the supporting testimony of a health care provider if certain requirements are met.

The bill applies only prospectively and may not be applied or interpreted to have any effect on or application to any cause of action arising before October 1, 2014.

Fiscal Summary

State Effect: The bill does not directly affect State finances or operations. It may, however, result in efficiencies for cases heard in District Court.

Local Effect: The bill does not directly affect local finances or operations. It may however, result in efficiencies for cases heard in circuit court.

Small Business Effect: Minimal, although it may result in efficiencies or reduced litigation costs.

Analysis

Current Law: In a civil claim for damages for personal injury; medical, hospital, or disability benefits under the Insurance Article; first-party motor benefits under the Insurance Article; or first-party health insurance benefits, a writing or record of a health care provider is admissible as evidence in the applicable court (District Court or circuit court) without the health care provider's testimony if the introducing party serves proper notice at least 60 days before the trial and the evidence is otherwise admissible.

Additionally, a health care provider's writing or record is admissible without the health care provider's testimony if it is being offered to prove the existence of a medical, dental, or other health condition; the health care provider's opinion; or the necessity of providing care if the record or writing was created to document one of these facts.

Finally, a written statement or bill for health care expenses may be introduced without a health care provider's testimony if used as evidence of the amount, fairness, and reasonableness of the charges for the services or materials provided.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Health Claims Alternative Dispute Resolution Office, Department of Health and Mental Hygiene, Judiciary (Administrative Office of the Courts), Department of Legislative Services

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mc/ljm

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