

---

**By: Delegate Vallario**

Introduced and read first time: February 27, 1996  
Assigned to: Rules and Executive Nominations  
Re-referred to: Judiciary, March 4, 1996

---

Committee Report: Favorable with amendments  
House action: Adopted  
Read second time: March 21, 1996

---

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Medical ~~and Dental~~, Dental, and Hospital Records and Writings - Admissibility**

3 [TAG ftpo]FOR the purpose of making certain medical ~~and dental, dental, and hospital~~ records and  
4 writings admissible in certain civil trials without presenting certain testimony;  
5 requiring certain notice to be given; requiring certain procedures; providing for the  
6 application of this Act; and generally relating to the admissibility of medical ~~and~~  
7 ~~dental, dental, and hospital~~ records and writings.

8 BY adding to

- 9 Article - Courts and Judicial Proceedings
- 10 Section 10-104
- 11 Annotated Code of Maryland
- 12 (1995 Replacement Volume and 1995 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article - Courts and Judicial Proceedings**

16 10-104.

17 (A) THE PROVISIONS OF THIS SECTION APPLY ONLY TO A PROCEEDING IN  
18 THE DISTRICT COURT FOR A CLAIM FOR:

19 (1) DAMAGES FOR PERSONAL INJURY;

20 (2) MEDICAL, HOSPITAL, OR DISABILITY BENEFITS UNDER ARTICLE 48A,  
21 § 539 OF THE CODE;

2

1                    (3) FIRST PARTY MOTOR VEHICLE MEDICAL PAYMENTS UNDER  
2 ARTICLE 48A, § 541 OF THE CODE; AND

3                    (4) FIRST PARTY HEALTH INSURANCE BENEFITS.

4                    ~~(A) A~~

5                    (B) (1) A MEDICAL, DENTAL, OR HOSPITAL WRITING OR RECORD  
6 DESCRIBED IN THIS SECTION IS ADMISSIBLE UNDER THIS SECTION IF:

7                    ~~(1)~~ (I) THE WRITING OR RECORD IS OFFERED IN THE TRIAL OF A  
8 CIVIL ACTION IN THE DISTRICT COURT;

9                    ~~(2) THE PARTY WHO WISHES TO INTRODUCE THE WRITING OR RECORD~~  
10 ~~GIVES ALL OTHER PARTIES NOTICE OF THE INTENT TO INTRODUCE THE WRITING~~  
11 ~~OR RECORD WITHOUT A PHYSICIAN'S TESTIMONY AT LEAST 20 DAYS BEFORE THE~~  
12 ~~BEGINNING OF THE TRIAL; AND~~

13                    (II) AT LEAST 30 DAYS, EXCEPT AS PROVIDED IN PARAGRAPH (2)  
14 OF THIS SUBSECTION, BEFORE THE BEGINNING OF THE TRIAL, THE PARTY WHO  
15 INTENDS TO INTRODUCE THE WRITING OR RECORD FILES WITH THE CLERK OF THE  
16 DISTRICT COURT AND SERVES ON ALL OTHER PARTIES AS PROVIDED UNDER  
17 MARYLAND RULE 1-321;

18                    1. NOTICE OF THE PARTY'S INTENT TO INTRODUCE THE  
19 WRITING OR RECORD WITHOUT THE SUPPORT OF A PHYSICIAN'S, DENTIST'S, OR  
20 HOSPITAL EMPLOYEE'S TESTIMONY; AND

21                    2. A COPY OF THE WRITING OR RECORD; AND

22                    ~~(3)~~ (III) THE WRITING OR RECORD IS OTHERWISE ADMISSIBLE.

23                    (2) A PARTY, WHO RECEIVES A NOTICE UNDER PARAGRAPH (1) OF THIS  
24 SUBSECTION AND INTENDS TO INTRODUCE ANOTHER MEDICAL, DENTAL, OR  
25 HOSPITAL WRITING OR RECORD WITHOUT A PHYSICIAN'S, DENTIST'S, OR HOSPITAL  
26 EMPLOYEE'S TESTIMONY, SHALL FILE AND SERVE A NOTICE OF INTENT AND COPY  
27 OF THE WRITING OR RECORD AT LEAST 15 DAYS BEFORE THE BEGINNING OF THE  
28 TRIAL.

29                    ~~(B) A~~

30                    (C) A MEDICAL, DENTAL, OR HOSPITAL WRITING OR RECORD MADE TO  
31 DOCUMENT A MEDICAL OR DENTAL CONDITION, A PHYSICIAN'S OR DENTIST'S  
32 MEDICAL OR DENTAL OPINION, OR THE ~~GIVING~~ PROVIDING OF MEDICAL OR  
33 DENTAL TREATMENT IS ADMISSIBLE WITHOUT THE SUPPORT OF THE TESTIMONY  
34 OF A PHYSICIAN ~~OR DENTIST EITHER~~, DENTIST, OR HOSPITAL EMPLOYEE AS THE  
35 MAKER OR THE ~~KEEPER~~ CUSTODIAN OF THE WRITING OR RECORD TO PROVE THE  
36 EXISTENCE OF A MEDICAL CONDITION, THE OPINION, ~~OR THE GIVING~~ AND THE  
37 NECESSITY AND THE PROVIDING OF MEDICAL TREATMENT.

38                    ~~(D)~~ (D) A WRITTEN STATEMENT OR BILL FOR MEDICAL, DENTAL, OR  
39 HOSPITAL EXPENSES IS ADMISSIBLE WITHOUT THE SUPPORT OF THE TESTIMONY OF  
40 A PHYSICIAN ~~OR DENTIST EITHER~~, DENTIST, OR HOSPITAL EMPLOYEE AS THE

3

1 MAKER OR THE ~~KEEPER~~ CUSTODIAN OF THE STATEMENT OR BILL TO PROVE THE  
2 AMOUNT, FAIRNESS, AND REASONABLENESS OF THE CHARGES FOR THE SERVICES  
3 OR MATERIALS PROVIDED.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
5 construed only prospectively and may not be applied or interpreted to have any effect on  
6 or application to any case filed before the effective date of this Act.

7 SECTION 2- 3. AND BE IT FURTHER ENACTED, That this Act shall take  
8 effect October 1, 1996.