

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL NO. 421

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike “establishing a rebuttable presumption” and substitute “providing”; in the same line, after “testimony” insert “, by a party or certain other persons”; in line 4, after “provided” insert “is admissible to prove, without the testimony of the provider of the goods or services, that the bill”; in line 5, after “reasonable;” insert “providing a certain exception; providing that this Act applies to civil proceedings in the District Court and certain civil proceedings in a circuit court;”; and strike beginning with “establishment” in line 6 through “bills” in line 7 and substitute “admissibility of certain evidence concerning paid bills to prove certain matters”.

AMENDMENT NO. 2

On page 1, in line 17, strike “OR CRIMINAL”; and in line 18, after “IN” insert “:

(1)”;

and in the same line, strike “OR A CIRCUIT COURT” and substitute “: OR

(2) A CIRCUIT COURT IF:

(I) THE CASE WAS ORIGINALLY FILED IN THE DISTRICT COURT;

(II) THE CASE WAS TRANSFERRED FROM THE DISTRICT COURT TO
A CIRCUIT COURT; AND

(III) THE AMOUNT IN CONTROVERSY IN THE ACTION IN THE
CIRCUIT COURT DOES NOT EXCEED THE AMOUNT SPECIFIED IN § 4-401 OF THIS
ARTICLE FOR THAT TYPE OF ACTION”.

(Over)

AMENDMENT NO. 3

On page 1, in line 19, after “(B)” insert “(1)”; in line 22, strike “SHALL BE REBUTTABLY PRESUMED” and substitute “MAY BE PROVED, WITHOUT THE TESTIMONY OF THE PROVIDER OF THE GOODS OR SERVICES, BY ADMISSION INTO EVIDENCE OF THE PAID BILL.”

(2) THE BILL SHALL BE ADMITTED”;

in the same line, after “TESTIMONY” insert “, BY THE PARTY OR ANY OTHER PERSON WITH PERSONAL KNOWLEDGE”; and in lines 23, 25, 26, and 28, strike “(1)”, “(2)(I)”, “(II)”, and “(III)”, respectively, and substitute “(I)”, “(II) 1.”, “2.”, and “3.”, respectively.

On page 2, in lines 1 and 3, strike “(IV)” and “(V)”, respectively, and substitute “4.” and “5.”, respectively.

AMENDMENT NO. 4

On page 2, in line 4, strike “THE PRESUMPTION DESCRIBED UNDER” and substitute “SUBSECTION (B) OF”.

AMENDMENT NO. 5

On page 2, in line 5, strike “30” and substitute “60”.

AMENDMENT NO. 6

On page 2, after line 11, insert:

“(D) NOTHING CONTAINED IN THIS SECTION MAY BE CONSTRUED TO:

(1) APPLY TO PROOF OF THE EXISTENCE OF A MEDICAL, DENTAL, OR OTHER HEALTH CONDITION, THE OPINION OF A HEALTH CARE PROVIDER, OR THE NECESSITY AND THE PROVIDING OF MEDICAL, DENTAL, OR OTHER HEALTH CARE;

(2) LIMIT THE PROVISIONS OF § 10-104 OF THIS SUBTITLE CONCERNING THE ADMISSIBILITY OF A MEDICAL, DENTAL, HOSPITAL, OR OTHER HEALTH CARE WRITING OR RECORD; OR

(3) LIMIT THE RIGHT OF A PARTY TO:

WITNESS;

(I) REQUEST A SUMMONS TO COMPEL THE ATTENDANCE OF A

(II) EXAMINE A WITNESS WHO APPEARS AT TRIAL; OR

(III) ENGAGE IN DISCOVERY AS PROVIDED UNDER THE
MARYLAND RULES.”.