

CF 7r1457

By: Delegates Vallario, Dembrow, Genn, and Doory

Introduced and read first time: January 24, 1997

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Health Care Records and Writings - Admissibility**

3 FOR the purpose of making certain health care records and writings admissible in certain
4 civil trials in the District Court without presenting certain testimony; making certain
5 medical, dental, hospital, and other health care records and writings admissible in
6 certain civil trials in the circuit courts without presenting certain testimony;
7 requiring certain procedures; providing for the application of this Act; and generally
8 relating to the admissibility of health care records and writings in certain civil trials.

9 BY repealing and reenacting, with amendments,
10 Article - Courts and Judicial Proceedings
11 Section 10-104
12 Annotated Code of Maryland
13 (1995 Replacement Volume and 1996 Supplement)

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

16 **Article - Courts and Judicial Proceedings**

17 10-104.

18 (a) The provisions of this section apply only to a proceeding in the District Court
19 OR A CIRCUIT COURT for a claim for:

20 (1) Damages for personal injury;

21 (2) Medical, hospital, or disability benefits under Article 48A, § 539 of the
22 Code;23 (3) First party motor vehicle medical payments under Article 48A, § 541 of
24 the Code; and

25 (4) First party health insurance benefits.

26 (b) (1) A medical, dental, [or] hospital, OR OTHER HEALTH CARE writing or
27 record described in this section is admissible under this section if:

28 (i) The writing or record is offered in the trial of a civil action in the
29 District Court OR A CIRCUIT COURT;

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1 (ii) At least 30 days, except as provided in paragraph (2) of this
2 subsection, before the beginning of the trial, the party who intends to introduce the
3 writing or record files with the clerk of the [District Court] COURT and serves on all
4 other parties as provided under Maryland Rule 1-321:

5 1. Notice of the party's intent to introduce the writing or record
6 without the support of a physician's, dentist's, [or] hospital employee's, OR OTHER
7 HEALTH CARE PROVIDER'S testimony; and

8 2. A copy of the writing or record; and

9 (iii) The writing or record is otherwise admissible.

10 (2) A party, who receives a notice under paragraph (1) of this subsection
11 and intends to introduce another medical, dental, [or] hospital, OR OTHER HEALTH
12 CARE writing or record without a physician's, dentist's, [or] hospital employee's, OR
13 OTHER HEALTH CARE PROVIDER'S testimony, shall file and serve a notice of intent and
14 copy of the writing or record at least 15 days before the beginning of the trial.

15 (c) A medical, dental, [or] hospital, OR OTHER HEALTH CARE writing or record
16 made to document a medical [or], dental, OR OTHER HEALTH condition, a physician's
17 [or], dentist's, OR OTHER HEALTH CARE PROVIDER'S [medical or dental] opinion, or
18 the providing of medical [or], dental [treatment], OR OTHER HEALTH CARE is
19 admissible without the support of the testimony of a physician, dentist, [or] hospital
20 employee, OR OTHER HEALTH CARE PROVIDER as the maker or the custodian of the
21 writing or record to prove the existence of a medical, DENTAL, OR OTHER HEALTH
22 condition, the opinion, and the necessity and the providing of medical [treatment],
23 DENTAL, OR OTHER HEALTH CARE.

24 (d) A written statement or bill for medical, dental, [or] hospital, OR OTHER
25 HEALTH CARE expenses is admissible without the support of the testimony of a
26 physician, dentist, [or] hospital employee, OR OTHER HEALTH CARE PROVIDER as the
27 maker or the custodian of the statement or bill to prove the amount, fairness, and
28 reasonableness of the charges for the services or materials provided.

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

32 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 1997.