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By: Senators Forehand, Kelley, Roesser, Lawlah, and Ruben
Introduced and read first time: January 31, 1997
Assigned to: Judicial Proceedings

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A BILL ENTITLED

1 AN ACT concerning

2 **Civil Procedure - Evidence - Medical, Dental, and Hospital Records**

3 FOR the purpose of expanding provisions relating to the admissibility of medical, dental,
4   or hospital records to make them applicable to records that are offered as evidence
5   without the support of testimony from individuals who are licensed or certified as
6   health care providers or are otherwise authorized to provide health care services in
7   this State or any other state; and generally relating to civil procedure and the
8   admissibility of medical records.

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) IN THIS SECTION, "MEDICAL RECORDS CUSTODIAN" MEANS:

19   (1) A PHYSICIAN;

20   (2) A DENTIST;

21   (3) A HOSPITAL EMPLOYEE; AND

22   (4) ANY OTHER INDIVIDUAL WHO IS LICENSED OR CERTIFIED AS A
23 HEALTH CARE PROVIDER OR IS OTHERWISE AUTHORIZED TO PROVIDE HEALTH
24 CARE SERVICES IN THIS STATE OR ANY OTHER STATE.

25   (B) The provisions of this section apply only to a proceeding in the District Court
26 for a claim for:

27   (1) Damages for personal injury;

1   (2) Medical, hospital, or disability benefits under Article 48A, § 539 of the
2 Code;

3   (3) First party motor vehicle medical payments under Article 48A, § 541 of
4 the Code; and

5   (4) First party health insurance benefits.

6   [(b)] (C) (1) A medical, dental, or hospital writing or record described in this
7 section is admissible under this section if:

8   (i) The writing or record is offered in the trial of a civil action in the
9 District Court;

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

14   1. Notice of the party's intent to introduce the writing or record
15 without the support of [a physician's, dentist's, or hospital employee's testimony] A
16 MEDICAL RECORDS CUSTODIAN; and

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

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

19   (2) A party, who receives a notice under paragraph (1) of this subsection
20 and intends to introduce another medical, dental, or hospital writing or record without [a
21 physician's, dentist's, or hospital employee's testimony] THE TESTIMONY OF A
22 MEDICAL RECORDS CUSTODIAN, shall file and serve a notice of intent and copy of the
23 writing or record at least 15 days before the beginning of the trial.

24   [(c)] (D) A medical, dental, or hospital writing or record made to document a
25 medical or dental condition, a physician's or dentist's medical or dental opinion, or the
26 providing of medical or dental treatment is admissible without the support of the
27 testimony of a [physician, dentist, or hospital employee] MEDICAL RECORDS
28 CUSTODIAN as the maker or the custodian of the writing or record to prove the existence
29 of a medical condition, the opinion, and the necessity and the providing of medical
30 treatment.

31   [(d)] (E) A written statement or bill for medical, dental, or hospital expenses is
32 admissible without the support of the testimony of a [physician, dentist, or hospital
33 employee] MEDICAL RECORDS CUSTODIAN as the maker or the custodian of the
34 statement or bill to prove the amount, fairness, and reasonableness of the charges for the
35 services or materials provided.

36   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
37 October 1, 1997.