
By: **Delegates R. Baker, Palumbo, Gordon, Turner, Valderrama, Pitkin,
Perry, Opara, Conroy, Vallario, and Comeau**

Introduced and read first time: February 6, 1998

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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

3 FOR the purpose of making certain health care records and writings admissible in
4 certain civil trials without certain testimony; requiring certain procedures;
5 defining a certain term; providing for the application of this Act; and generally
6 relating to the admissibility of certain health care records and writings to prove
7 certain matters in certain civil trials.

8 BY repealing and reenacting, without amendments,
9 Article - Courts and Judicial Proceedings
10 Section 3-2A-01(e)
11 Annotated Code of Maryland
12 (1995 Replacement Volume and 1997 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article - Courts and Judicial Proceedings
15 Section 10-104
16 Annotated Code of Maryland
17 (1995 Replacement Volume and 1997 Supplement)

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

20 **Article - Courts and Judicial Proceedings**

21 3-2A-01.

22 (e) "Health care provider" means a hospital, a related institution as defined in
23 § 19-301 of the Health - General Article, a physician, an osteopath, an optometrist, a
24 chiropractor, a registered or licensed practical nurse, a dentist, a podiatrist, a
25 psychologist, a licensed certified social worker-clinical, and a physical therapist,
26 licensed or authorized to provide one or more health care services in Maryland.
27 "Health care provider" does not mean any nursing institution conducted by and for

1 those who rely upon treatment by spiritual means through prayer alone in accordance
2 with the tenets and practices of a recognized church or religious denomination.

3 10-104.

4 (A) IN THIS SECTION, "HEALTH CARE PROVIDER" HAS THE SAME MEANING
5 STATED IN § 3-2A-01 OF THIS ARTICLE.

6 [(a)] (B) (1) The provisions of this section apply only to a claim for:

7 (i) Damages for personal injury;

8 (ii) Medical, hospital, or disability benefits under §§ 19-505 and
9 19-506 of the Insurance Article;

10 (iii) First party motor vehicle medical payments under §§ 19-509
11 and 19-510 of the Insurance Article; and

12 (iv) First party health insurance benefits.

13 (2) Subject to the provisions of paragraph (1) of this subsection, the
14 provisions of this section apply to a proceeding in:

15 (i) The District Court; or

16 (ii) A circuit court if:

17 1. The case was originally filed in the District Court;

18 2. The case was transferred from the District Court to a
19 circuit court; and

20 3. The amount in controversy in the action in the circuit
21 court does not exceed the amount specified in § 4-401 of this article for that type of
22 action.

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

25 (i) The writing or record is offered in the trial of a civil action in the
26 District Court or a circuit court;

27 (ii) At least 60 days, except as provided in paragraph (2) of this
28 subsection, before the beginning of the trial, the party who intends to introduce the
29 writing or record files with the clerk of the court and serves on all other parties as
30 provided under Maryland Rule 1-321:

31 1. Notice of the party's intent to introduce the writing or
32 record without the support of a [physician's, dentist's, or hospital employee's]
33 HEALTH CARE PROVIDER'S testimony; and

