

HOUSE BILL 216

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1999 Regular Session
9lr0776

By: **Delegates K. Kelly and Vallario**
Introduced and read first time: February 1, 1999
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Evidence - Admissibility of Health Care Writings and Records and Paid Bills**
3 **for Goods and Services - Notice of Service**

4 FOR the purpose of requiring that a party who intends to introduce in evidence a
5 writing or record of a health care provider under certain circumstances file a
6 certain notice of service with the court rather than file a copy of the writing or
7 record; requiring that a party who intends to introduce in evidence a paid bill for
8 goods or services under certain circumstances file a certain notice of service with
9 the court rather than file a copy of the bill; making stylistic changes; and
10 generally relating to the admissibility of health care writings and records and
11 paid bills for goods or services.

12 BY repealing and reenacting, with amendments,
13 Article - Courts and Judicial Proceedings
14 Section 10-104 and 10-105
15 Annotated Code of Maryland
16 (1998 Replacement Volume)

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

19 **Article - Courts and Judicial Proceedings**

20 10-104.

21 (a) In this section, "health care provider" has the same meaning stated in §
22 3-2A-01 of this article.

23 (b) (1) The provisions of this section apply only to a claim for:

24 (i) Damages for personal injury;

25 (ii) Medical, hospital, or disability benefits under §§ 19-505 and
26 19-506 of the Insurance Article;

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

3 (iv) First party health insurance benefits.

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

6 (i) The District Court; or

7 (ii) A circuit court if:

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

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

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

14 (c) (1) A writing or record of a health care provider described in this section
15 is admissible under this section if:

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

18 (ii) At least 60 days, except as provided in paragraph (2) of this
19 subsection, before the beginning of the trial, the party who intends to introduce the
20 writing or record [files with the clerk of the court and serves]:

21 1. SERVES NOTICE OF THE PARTY'S INTENT TO INTRODUCE
22 THE WRITING OR RECORD WITHOUT THE SUPPORT OF A HEALTH CARE PROVIDER'S
23 TESTIMONY AND A COPY OF THE WRITING OR RECORD on all other parties as
24 provided under Maryland Rule 1-321[:]; AND

25 2. FILES NOTICE OF SERVICE WITH THE COURT;

26 [1. Notice of the party's intent to introduce the writing or
27 record without the support of a health care provider's testimony; and

28 2. A copy of the writing or record;] and

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

30 (2) A party[,] who receives a notice under paragraph (1) of this
31 subsection and intends to introduce another writing or record of a health care
32 provider without a health care provider's testimony[,] shall:

33 (I) [file and serve] SERVE a notice of intent and A copy of the
34 writing or record at least 30 days before the beginning of the trial; AND

1 (II) FILE NOTICE OF SERVICE WITH THE COURT.

2 (d) A writing or record of a health care provider made to document a medical,
3 dental, or other health condition, a health care provider's opinion, or the providing of
4 health care is admissible without the support of the testimony of a health care
5 provider as the maker or the custodian of the writing or record to prove the existence
6 of a medical, dental, or health condition, the opinion, and the necessity and the
7 providing of health care.

8 (e) A written statement or bill for health care expenses is admissible without
9 the support of the testimony of a health care provider as the maker or the custodian
10 of the statement or bill to prove the amount, fairness, and reasonableness of the
11 charges for the services or materials provided.

12 (f) Nothing contained in this section may be construed to limit the right of a
13 party to:

- 14 (1) Request a summons to compel the attendance of a witness;
- 15 (2) Examine a witness who appears at trial; or
- 16 (3) Engage in discovery as provided under the Maryland Rules.

17 10-105.

18 (a) The provisions of this section apply to a civil action in:

- 19 (1) The District Court; or
- 20 (2) A circuit court if:
 - 21 (i) The case was originally filed in the District Court;
 - 22 (ii) The case was transferred from the District Court to a circuit
23 court; and
 - 24 (iii) The amount in controversy in the action in the circuit court does
25 not exceed the amount specified in § 4-401 of this article for that type of action.

26 (b) (1) Subject to the provisions of this section, the authenticity of a bill for
27 goods or services provided and the fairness and reasonableness of the charges of the
28 provider of the goods or services may be proved, without the testimony of the provider
29 of the goods or services, by admission into evidence of the paid bill.

30 (2) The bill shall be admitted on testimony, by the party or any other
31 person with personal knowledge:

- 32 (i) Identifying the original bill or an authenticated copy; and
- 33 (ii) 1. Identifying the provider of the goods or services;

