

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

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 2, 1999

CHAPTER _____

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

14 BY repealing and reenacting, with amendments,
15 Article - Courts and Judicial Proceedings
16 Section 10-104 and 10-105
17 Annotated Code of Maryland
18 (1998 Replacement Volume)

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

1 **Article - Courts and Judicial Proceedings**

2 10-104.

3 (a) In this section, "health care provider" has the same meaning stated in §
4 3-2A-01 of this article.

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

6 (i) Damages for personal injury;

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

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

11 (iv) First party health insurance benefits.

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

14 (i) The District Court; or

15 (ii) A circuit court if:

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

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

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

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

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

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

29 1. **SERVES NOTICE OF THE PARTY'S INTENT TO INTRODUCE**
30 **THE WRITING OR RECORD WITHOUT THE SUPPORT OF A HEALTH CARE PROVIDER'S**
31 **TESTIMONY, A LIST THAT IDENTIFIES EACH WRITING OR RECORD, AND A COPY OF**
32 **THE WRITING OR RECORD** on all other parties as provided under Maryland Rule
33 1-321[:]; AND

1 2. FILES NOTICE OF SERVICE AND THE LIST THAT
2 IDENTIFIES EACH WRITING OR RECORD WITH THE COURT;

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

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

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

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

10 (I) [file and serve] SERVE a notice of intent, A LIST THAT
11 IDENTIFIES EACH WRITING OR RECORD, and A copy of the writing or record at least
12 30 days before the beginning of the trial; AND

13 (II) FILE NOTICE OF SERVICE AND THE LIST THAT IDENTIFIES
14 EACH WRITING OR RECORD WITH THE COURT.

15 (3) THE LIST REQUIRED UNDER PARAGRAPHS (1) AND (2) OF THIS
16 SUBSECTION SHALL INCLUDE:

17 (I) THE NAME OF THE HEALTH CARE PROVIDER FOR EACH
18 WRITING OR RECORD; AND

19 (II) THE DATE OF EACH WRITING OR RECORD OF THE HEALTH
20 CARE PROVIDER OR EACH DATE OF TREATMENT BY THE HEALTH CARE PROVIDER.

21 (d) A writing or record of a health care provider made to document a medical,
22 dental, or other health condition, a health care provider's opinion, or the providing of
23 health care is admissible without the support of the testimony of a health care
24 provider as the maker or the custodian of the writing or record to prove the existence
25 of a medical, dental, or health condition, the opinion, and the necessity and the
26 providing of health care.

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

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

33 (1) Request a summons to compel the attendance of a witness;

34 (2) Examine a witness who appears at trial; or

35 (3) Engage in discovery as provided under the Maryland Rules.

1 10-105.

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

3 (1) The District Court; or

4 (2) A circuit court if:

5 (i) The case was originally filed in the District Court;

6 (ii) The case was transferred from the District Court to a circuit
7 court; and

8 (iii) The amount in controversy in the action in the circuit court does
9 not exceed the amount specified in § 4-401 of this article for that type of action.

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

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

16 (i) Identifying the original bill or an authenticated copy; and

17 (ii) 1. Identifying the provider of the goods or services;

18 2. Explaining the circumstances surrounding the receipt of
19 the bill;

20 3. Describing the goods or services provided;

21 4. Stating that the goods or services were provided in
22 connection with the event giving rise to the action; and

23 5. Stating that the bill was paid.

24 (c) (1) Subsection (b) of this section applies only if, at least 60 days before
25 the beginning of the trial, the party who intends to introduce the bill [files with the
26 clerk of the court and serves]:

27 ~~(+)~~ (I) SERVES NOTICE OF THE PARTY'S INTENT TO INTRODUCE THE
28 BILL WITHOUT THE SUPPORT OF THE TESTIMONY OF THE PROVIDER OF THE GOODS
29 OR SERVICES THAT WERE BILLED, A LIST THAT IDENTIFIES EACH BILL, AND A COPY
30 OF THE BILL on all other parties as provided under Maryland Rule 1-321; AND

31 ~~(=)~~ (II) FILES NOTICE OF SERVICE AND THE LIST THAT IDENTIFIES
32 EACH BILL WITH THE COURT[:

1 (1) Notice of the party's intent to introduce the bill without the support of
2 the testimony of the provider of the goods or services that were billed; and

3 (2) A copy of the bill].

4 (2) THE LIST REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION
5 SHALL INCLUDE:

6 (I) THE NAME OF THE PROVIDER OF THE GOODS AND SERVICES
7 FOR EACH BILL; AND

8 (II) THE DATE OF EACH BILL OF THE PROVIDER OF THE GOODS AND
9 SERVICES.

10 (d) Nothing contained in this section may be construed to:

11 (1) Apply to proof of the existence of a medical, dental, or other health
12 condition, the opinion of a health care provider, or the necessity and the providing of
13 medical, dental, or other health care;

14 (2) Limit the provisions of § 10-104 of this subtitle concerning the
15 admissibility of a medical, dental, hospital, or other health care writing or record; or

16 (3) Limit the right of a party to:

17 (i) Request a summons to compel the attendance of a witness;

18 (ii) Examine a witness who appears at trial; or

19 (iii) Engage in discovery as provided under the Maryland Rules.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 1999.