
By: **Delegate Vallario**
Introduced and read first time: February 11, 1999
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 9, 1999

CHAPTER _____

1 AN ACT concerning

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

3 FOR the purpose of ~~altering~~ expanding the definition of the term "health care
4 provider" to include certain health care facilities, agencies, institutions, services,
5 and programs for the purpose of making certain records and writings of the
6 health care facilities, agencies, institutions, services, and programs admissible
7 in certain civil trials without certain testimony; providing that certain
8 evidentiary provisions apply to certain cases originally filed in a circuit court;
9 providing that certain evidentiary provisions do not apply to certain health care
10 malpractice claims; clarifying language; providing for the application of this Act;
11 and generally relating to the admissibility of certain health care records and
12 writings ~~to prove as evidence of~~ certain matters in certain civil trials.

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

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 10-104.

22 (a) (1) ~~In this section, "health care provider" has the same meaning stated in~~
23 ~~§ 3-2A-01 of this article.~~

1 ~~(2)~~ ~~"HEALTH CARE PROVIDER" INCLUDES:~~

2 ~~(I)~~ ~~A HOSPITAL, AS DEFINED IN § 19-301 OF THE HEALTH-~~
3 ~~GENERAL ARTICLE;~~

4 ~~(II)~~ ~~A RELATED INSTITUTION, AS DEFINED IN § 19-301 OF THE~~
5 ~~HEALTH - GENERAL ARTICLE;~~

6 ~~(A)~~ IN THIS SECTION, "HEALTH CARE PROVIDER" MEANS:

7 ~~(1)~~ A HEALTH CARE PROVIDER, AS DEFINED IN § 3-2A-01 OF THIS
8 ARTICLE;

9 ~~(II)~~ ~~(2)~~ AN AMBULATORY SURGICAL FACILITY;

10 ~~(IV)~~ ~~(3)~~ AN INPATIENT FACILITY THAT IS ORGANIZED PRIMARILY
11 IN THE REHABILITATION OF DISABLED PERSONS, THROUGH AN INTEGRATED
12 PROGRAM OF MEDICAL AND OTHER SERVICE PROVIDED UNDER COMPETENT
13 PROFESSIONAL SUPERVISION;

14 ~~(V)~~ ~~(4)~~ A HOME HEALTH AGENCY, AS DEFINED IN § 19-401 OF THE
15 HEALTH - GENERAL ARTICLE; OR

16 ~~(VI)~~ ~~(5)~~ ANY HEALTH INSTITUTION, SERVICE, OR PROGRAM FOR
17 WHICH A CERTIFICATE OF NEED IS REQUIRED UNDER TITLE 19 OF THE HEALTH -
18 GENERAL ARTICLE.

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

20 (i) Damages for personal injury;

21 (ii) Medical, hospital, or disability benefits under §§ 19-505 and
22 19-506 of the Insurance Article;

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

25 (iv) First party health insurance benefits.

26 ~~(2)~~ THIS SECTION DOES NOT APPLY TO AN ACTION FOR DAMAGES FILED
27 UNDER TITLE 3, SUBTITLE 2A OF THIS ARTICLE.

28 ~~(2)~~ ~~(3)~~ Subject to the provisions of ~~paragraph (1)~~ PARAGRAPHS (1) AND
29 (2) of this subsection, the provisions of this section apply to a proceeding in:

30 (i) The District Court; or

31 (ii) A circuit court if[:

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

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

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

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 1999.