

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 385
Judiciary

(Delegates Moon and Buckel)

Courts and Judicial Proceedings - Evidence - Rebuttable Presumption of Medical Bills

This bill establishes that in an action for personal injury or wrongful death, there is a rebuttable presumption that a medical bill properly provided in discovery is authentic and the charges set forth in the medical bill are fair and reasonable. For the purposes of admissibility, expert testimony is not required to prove the authenticity, fairness or reasonableness of a medical bill. A party may overcome the presumption by proving, by a preponderance of the evidence, that the medical bill or charge is not authentic, is unfair, or is unreasonable.

Fiscal Summary

State Effect: Depending on the bill's overall effect on litigation against the State, the bill may increase expenditures for the State Insurance Trust Fund (SITF) and the Transportation Trust Fund (TTF), as discussed below. Revenues are not affected.

Local Effect: The bill may increase litigation-related expenditures for local governments. Revenues are not affected.

Small Business Effect: Potential meaningful.

Analysis

Current Law: In general, Maryland case law requires personal injury plaintiffs seeking damages for the amount they paid or incurred for medical care to submit evidence that their medical treatment and medical bills were fair and reasonable in the amount charged,

necessary, and causally related to the defendant's negligence. This typically involves the testimony of a medical doctor.

However, § 10-104 of the Courts and Judicial Proceedings Article, which does not apply to medical malpractice claims, allows for a simpler process in personal injury cases in the District Court or personal injury cases in the circuit courts with an amount in controversy that does not exceed \$30,000. Subject to specified notice requirements, § 10-104 allows medical bills or records to be admitted as evidence of the amount, fairness, and reasonableness of the charges for the services or materials provided without a health care provider's testimony. A finder of fact may attach whatever weight to the written materials that the finder of fact deems appropriate. This process does not limit the right of a party to request a summons to compel the attendance of a witness, examine a witness who appears at trial, or engage in discovery.

State Expenditures: The bill shifts the burden of authenticating medical bills and proving the fairness and reasonable of the charges in medical bills from plaintiffs to defendants, which may result in increased expenditures for the State to (1) engage experts to testify regarding the authenticity and reasonableness of medical bills and charges, and (2) address additional claims brought due to the lower cost of entry to bring and prove a claim under the bill. The extent of any such effect cannot be reliably determined without actual experience under the bill. Payments of claims filed against the State under the Maryland Tort Claims Act (MTCA) are paid out of SITF, which is administered by the State Treasurer's Office. While most State agencies are covered by the liability limits of MTCA, the tort liability of the Maryland Transit Administration is governed by the Transportation Article and paid out of TTF. Unlike MTCA, the Transportation Article does not include a limit on liability.

Local Expenditures: For reasons similar to the ones stated above, the bill may increase local expenditures related to personal injury and wrongful death claims. Tort claims against local government employees are subject to the provisions and liability limits of the Local Government Tort Claims Act.

Small Business Effect: The bill may have a meaningful effect on attorneys who litigate personal injury and wrongful death cases and small businesses that are parties to these lawsuits.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: SB 269 (Senator Henson) - Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts); Maryland Health Care Alternative Dispute Resolution Office; State Treasurer's Office; Department of Legislative Services

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sj/jkb

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