

STATE FARM INSURANCE COMPANIES

HOUSE BILL 385/SB269 (COURTS AND JUDICIAL PROCEEDINGS – EVIDENCE – REBUTTABLE PRESUMPTION OF MEDICAL BILLS)

POSITION: OPPOSED

This bill would establish a rebuttable presumption that a medical bill is authentic, fair and reasonable, and provide that, for purposes of admissibility, expert testimony is not required to prove the authenticity, fairness or reasonableness of a medical bill.

State Farm opposes this bill because it would unfairly shift the burden from the plaintiff to the defendant to prove that a medical bill is authentic, fair and reasonable. This is the existing law in §10-104, but only for cases in the District Court or a circuit court if the amount in controversy does not exceed \$30,000. Current Maryland law protects Marylanders who carry auto insurance personal injury liability limits of \$30,000 required under Maryland law. Under this bill, Marylanders who cannot afford to carry more than the minimum limits will be exposed to a judgment in excess of their policy limits without the fullest opportunity to defend against the claim.

Further, this bill would create an unlevel playing field in favor of the plaintiff because it makes a medical bill admissible without expert testimony to prove authenticity, fairness and reasonableness, but does not make a defendant's report challenging the authenticity, fairness or reasonableness of an admitted medical bill admissible without expert testimony.

For these reasons, this bill should be given an unfavorable report.