



2026 WRITTEN TESTIMONY

COURTS AND JUDICIAL PROCEEDINGS - EVIDENCE - REBUTTABLE
PRESUMPTION OF MEDICAL BILLS

SB 269 / HB 385 - FAVORABLE

SB 269 / HB 385 establishes that the fairness and reasonableness of medical bills are presumed in civil trials, absent evidence to the contrary. Rather than requiring expert testimony on a matter that is hardly ever in dispute, this bill provides that such evidence is only required in those few cases in which there is a legitimate disagreement about the reasonableness of a medical bill. Similar laws are already in place in Virginia, Tennessee, and Rhode Island.

Currently, absent an agreement by the defendant, the plaintiff bringing a civil action for personal injury or wrongful death must call an expert, at the plaintiff's expense, to testify that the medical bills the plaintiff incurred as a result of his or her injury represented "fair and reasonable" charges. Although medical professionals are qualified to testify regarding standards of care and whether an injury was caused by an event, most are not experts in billing practices. This means that a plaintiff must seek out an additional expert, often a professional from the medical facility, to testify about the propriety of his or her medical charges. If the propriety of medical charges is not at issue in a particular case, valuable financial and judicial resources are wasted by having to "prove" something that should be self-evident. (This is especially true for hospital charges in Maryland, which are set by the Health Insurance Cost Review Commission.)

This bill provides a rebuttable presumption that medical bills properly produced during discovery are fair and reasonable, thereby simplifying the issues for trial, and saving resources in the process. The bill also would relieve physicians and other medical professionals from the considerable inconvenience of having to appear in court solely to verify that their charges were appropriate. In other words, the bill streamlines litigation and reduces the time and expense involved in proving basic aspects of a claim, allowing the parties and jury to focus on the core issues of liability and damages, rather than on ancillary matters that can be presumptively resolved.

Importantly, the bill still allows the opposing party to challenge the reasonableness of the charges by presenting evidence, ensuring that the presumption can be rebutted if there is valid cause. This balanced approach protects both parties' rights while promoting efficiency in civil trials.

**The Maryland Association for Justice urges a FAVORABLE
Report on SB 269 / HB 385.**

About Maryland Association for Justice

The Maryland Association for Justice (MAJ) represents over 1,250 trial attorneys throughout the state of Maryland. MAJ advocates for the preservation of the civil justice system, the protection of the rights of consumers and the education and professional development of its members.

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