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Legislative District 30
Anne Arundel County

Judicial Proceedings Committee

Joint Committee on Children,
Youth, and Families



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THE SENATE OF MARYLAND
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SPONSOR TESTIMONY

Senate Bill 269

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

Chair Smith, Vice Chair Waldstreicher and Committee Members

It is my privilege to present SB269 Courts and Judicial Proceedings – Evidence – Rebuttable Presumption of Medical Bills

For the record, I am Shaneka Henson, representing District 30 in Anne Arundel County and member of the JPR Committee.

This bill creates a rebuttable presumption in civil personal injury and wrongful death cases that medical bills produced in discovery are fair and reasonable, absent evidence from the opposing party to the contrary. - “Medical bills” are any statement of charges, invoices, or other documents prepared by a healthcare provider or an agency of a health care provider that identify the costs of health care services rendered to an individual

By shifting expert testimony to only those cases where the reasonableness of medical charges is genuinely contested, the bill will:

1. streamline litigation.
2. reduce costs for injured plaintiffs
3. conserve judicial resources; and
4. allow courts and juries to focus on the central issues of liability and damage while preserving defendants’ ability to challenge improper or excessive charges when warranted.

When the presumption becomes that a medical bill is fair and reasonable, the opposing party can overcome that presumption by bringing in their own expert witness to prove, by preponderance of the evidence, that it was not fair and reasonable - Preponderance of the evidence is 51% (more likely true than not).

No expert testimony would be required to establish the authenticity or fairness and reasonableness of a medical bill for purposes of admissibility.

The bill creates a rebuttable presumption that bills charged by Maryland providers are reasonable – and also relieves physicians and other medical professionals from the considerable inconvenience of having to appear in court solely to verify that their charges were appropriate. Similar laws are already in place in Virginia, Tennessee, and Rhode Island.

With us today to provide technical and expert testimony are representatives of the Maryland Association for Justice:

Emily Malarkey, Neil Dubovsky, and Lindsay McCulley.

After hearing the testimony before you today, I urge a favorable report to this bill.

Thank you.