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January 30, 2026

The Honorable William C. Smith, Jr., Chairman
Senate Judicial Proceedings Committee
2 East Miller Senate Office Building
Annapolis, MD 21401

RE: Senate Bill 269- Courts and Judicial Proceedings - Evidence - Rebuttable Presumption of Medical Bills
UNFAVORABLE

Dear Chairman Smith and Members of the Committee,

On behalf of the Maryland Association of Mutual Insurance Companies (MAMIC), we respectfully oppose Senate Bill 269.

MAMIC is comprised of 12 mutual insurance companies that are headquartered in Maryland and neighboring states. Approximately one-half of our members are domiciled in Maryland and are key contributors and employers in our local communities. Together, MAMIC members offer a wide variety of insurance products and services and provide coverage for thousands of Maryland citizens. In the process of negotiating and adjudicating claims by both plaintiffs and defendants, the accuracy of medical records is a critically important component. This legislation makes a fundamental change in the process of determining such accuracy.

Senate Bill 269 would create a rebuttable presumption that charges set forth in a medical bill properly provided in discovery are fair and reasonable and provides that “for the purpose of admissibility, expert testimony is not required to prove the authenticity, fairness, or reasonableness of a medical bill.”

Under Maryland law, a plaintiff is entitled to recover the reasonable value of damages caused by a tortfeasor's conduct, including past medical expenses. Generally speaking, it does not matter if those past medical expenses were initially paid for by someone other than the plaintiff. This application of the collateral source rule in Maryland means that defendants generally cannot introduce evidence that past medical expenses were paid by the plaintiff's health care insurance, other insurance, or another party, such as a relative.

In Maryland, a tortfeasor found liable for an injury is responsible for paying the plaintiff the “fair and reasonable” value of the health care services that the plaintiff needed as a result of the injury. However, determining the fair and reasonable value of past medical expenses isn't as easy as it sounds. For example, the amount billed by health care providers and the amount actually paid are often different. There may be other questions about the accuracy of the medical records, such as insufficient information to support the charges for services made on the medical bill itself. Senate Bill 269 does not address such problems. Instead, the presumption created in the bill places a significant burden on the defendant to overcome the presumption that the charges are authentic, fair, and reasonable.

This change is unfair to defendants. The essential role of accurate medical records in the claims adjudication process demands that both plaintiff and defendant assert their positions and have them properly evaluated before approved by a court. In evidentiary proceedings, presumptions are rare, and deservedly so. The presumption under Senate Bill 269 would apply universally when there is a claim of bodily injury and medical treatment. It upends the longstanding practice of requiring that, like the bulk of evidence offered in a legal proceeding, medical records be tested for accuracy by the

parties, with each having the ability to assert or challenge such accuracy. Adopting this presumption would not only be unfair to defendants, it may also invite the use of inaccurate or incomplete medical records.

For these reasons, MAMIC respectfully requests an unfavorable report on Senate Bill 269.

Thank you for your consideration.

Very truly yours,

A handwritten signature in black ink, reading "Bryson Popham". The signature is written in a cursive style with a long, sweeping tail on the letter "m".

Bryson F. Popham, Esq.

cc: Melissa Shelley, President
MAMIC