

HOUSE No. 2143

The Commonwealth of Massachusetts

PRESENTED BY:

Garrett J. Bradley

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An act to simplify administrative aspect of evidentiary use of medical information.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Garrett J. Bradley</i>	<i>3rd Plymouth</i>	<i>1/20/2011</i>

HOUSE No. 2143

By Mr. Bradley of Hingham, a petition (accompanied by bill, House, No. 2143) of Garrett J. Bradley relative to simplify administrative aspect of evidentiary use of medical information. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An act to simplify administrative aspect of evidentiary use of medical information.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 79G of Chapter 233 of the General Laws is hereby amended by striking the first
2 paragraph and inserting in place thereof the following:-

3 In any proceeding commenced in any court, commission or agency, an itemized bill and
4 reports, including hospital medical records, relating to a medical, dental, hospital services,
5 prescriptions, or orthopedic appliances rendered to or prescribed for a person

6 injured, or any report of any examination of said injured person, including, but not
7 limited to hospital medical records subscribed and sworn to under the penalties of perjury by the
8 physician, dentist, authorized agent thereof, authorized agent of a hospital or

9 health maintenance organization rendering such services or by the pharmacist or retailer
10 of orthopedic appliances or the authorized agent thereof, shall be admissible as evidence of the
11 fair and reasonable charge for such services of the necessity of such services or treatments, the
12 diagnosis of said physician or dentist, the prognosis of such physician or dentist, the opinion of

13 such physician or dentist as to proximate cause of the condition so diagnosed, the opinion of
14 such physician or dentist as to disability or incapacity, if any, proximately resulting from the
15 condition so diagnosed; provided, however, that written notice of the intention to offer such bill
16 or report as such evidence, together with a copy thereof, has been given to the opposing party or
17 parties, or to his or their attorneys, by mailing the same by certified mail, return receipt
18 requested, not less than ten days before

19 the introduction of same into evidence, and that an affidavit of such notice and the return
20 receipt is filed with the clerk of the court, agency or commission forthwith after said receipt has
21 been returned. Nothing contained in this section shall be construed to limit

22 the right of any party to the action to summon, at his own expense, such physician,
23 dentist, pharmacist, retailer of orthopedic appliances or agent of such hospital or health
24 maintenance organization or the records of such hospital or health maintenance

25 organization for the purpose of cross examination with respect to such bill, record and
26 report or to rebut the contents thereof, or for any other purpose, nor to limit the right of any party
27 to the action or proceeding to summon any other person to testify in respect to such bill, record
28 or report or for any other purpose.