HOUSE DOCKET, NO. 2826 FILED ON: 1/18/2013

HOUSE . . . . . No. 1214

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 simpify administrative aspect of evidentary use of medical information.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Garrett J. Bradley	*3rd Plymouth*
Eugene L. O'Flaherty	*2nd Suffolk*

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HOUSE . . . . . No. 1214

By Mr. Bradley of Hingham, a petition (accompanied by bill, House, No. 1214) of Garrett J. Bradley and Eugene L. O'Flaherty relative to simplifying the administrative aspect of evidentary use of medical information. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *2143* OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An act to simpify administrative aspect of evidentary 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:

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

In any proceeding commenced in any court, commission or agency, an itemized bill and reports, including hospital medical records, relating to a medical, dental, hospital services, prescriptions, or orthopedic appliances rendered to or prescribed for a person injured, or any report of any examination of said injured person, including, but not limited to hospital medical records subscribed and sworn to under the penalties of perjury by the physician, dentist, authorized agent of a hospital or health maintenance organization rendering such services, the authorized agent of a physician or dentist who provided treatment to the person, or by the pharmacist or retailer of orthopedic appliances or the authorized agent thereof, shall be admissible as evidence of the fair and reasonable charge for such services of the necessity of such services or treatments, the diagnosis of said physician or dentist, the prognosis of such physician or dentist, the opinion of such physician or dentist as to proximate cause of the condition so diagnosed, the opinion of such physician or dentist as to disability or incapacity, if any, proximately resulting from the condition so diagnosed; provided, however, that written notice of the intention to offer such bill or report as such evidence, together with a copy thereof, has been given to the opposing party or parties, or to his or their attorneys, by mailing the same

18 by certified mail, return receipt requested, not less than ten days before the introduction of same
19 into evidence, and that an affidavit of such notice and the return receipt is filed with the clerk of
20 the court, agency or commission forthwith after said receipt has been returned. Nothing
21 contained in this section shall be construed to limit the right of any party to the action to
22 summon, at his own expense, such physician, dentist, pharmacist, retailer of orthopedic
23 appliances or agent of such hospital or health maintenance organization or the records of such
24 hospital or health maintenance organization for the purpose of cross examination with respect to
25 such bill, record and report or to rebut the contents thereof, or for any other purpose, nor to limit
26 the right of any party to the action or proceeding to summon any other person to testify in respect
27 to such bill, record or report or for any other purpose.