HOUSE DOCKET, NO. 2303 FILED ON: 1/19/2017

HOUSE . . . . . No. 2260

The Commonwealth of Massachusetts

PRESENTED BY:

Claire D. Cronin

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:
Claire D. Cronin	*11th Plymouth*	*1/19/2017*
Jeffrey N. Roy	*10th Norfolk*	*1/19/2017*

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HOUSE . . . . . No. 2260

By Ms. Cronin of Easton, a petition (accompanied by bill, House, No. 2260) of Claire D. Cronin and Jeffrey N. Roy relative to the use of medical information as evidence. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1196* OF 2015-2016.]

The Commonwealth of Massachusetts

In the One Hundred and Ninetieth General Court
(2017-2018)

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:

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