

HOUSE No. 1638

The Commonwealth of Massachusetts

PRESENTED BY:

Christopher Hendricks

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>Christopher Hendricks</i>	<i>11th Bristol</i>	<i>1/29/2021</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>2/24/2021</i>

HOUSE No. 1638

By Mr. Hendricks of New Bedford, a petition (accompanied by bill, House, No. 1638) of Christopher Hendricks and Brian W. Murray relative to the use of medical information as evidence. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3330 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

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 injured, or any
6 report of any examination of said injured person, including, but not limited to hospital medical
7 records subscribed and sworn to under the penalties of perjury by the physician, dentist,
8 authorized agent of a hospital or health maintenance organization rendering such services, the
9 authorized agent of a physician or dentist who provided treatment to the person, or by the
10 pharmacist or retailer of orthopedic appliances or the authorized agent thereof, shall be

11 admissible as evidence of the fair and reasonable charge for such services of the necessity of
12 such services or treatments, the diagnosis of said physician or dentist, the prognosis of such
13 physician or dentist, the opinion of such physician or dentist as to proximate cause of the
14 condition so diagnosed, the opinion of such physician or dentist as to disability or incapacity, if
15 any, proximately resulting from the condition so diagnosed; provided, however, that written
16 notice of the intention to offer such bill or report as such evidence, together with a copy thereof,
17 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.