

# SENATE BILL REPORT

## SB 5185

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As Reported By Senate Committee On:  
Health & Long-Term Care, February 21, 2005

**Title:** An act relating to the legal presumption from certification of medical records.

**Brief Description:** Establishing the legal presumption of reasonable value from the certification of health care records.

**Sponsors:** Senators Franklin and Kline.

**Brief History:**

**Committee Activity:** Health & Long-Term Care: 2/2/05, 2/21/05 [DP, DNP].

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### SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

**Majority Report:** Do pass.

Signed by Senators Keiser, Chair; Thibaudeau, Vice Chair; Franklin, Kastama, Kline and Poulsen.

**Minority Report:** Do not pass.

Signed by Senators Deccio, Ranking Minority Member; Brandland, Johnson and Parlette.

**Staff:** Stephanie Yurcisin (786-7438)

**Background:** Under the state's law governing disclosure of health care information, a health care provider must, upon request and payment of a fee, certify a patient's health care records.

In Washington, a plaintiff must prove the reasonable value of necessary medical care treatment and services in order to recover health care costs in personal injury lawsuits. The plaintiff must call medical providers as witnesses to testify that the treatment provided was necessary for the injuries suffered and that the charges for the treatment were reasonable. The plaintiff may not rely solely on the total value of all medical bills.

There is concern that testimony regarding billing statements increases litigation costs.

**Summary of Bill:** Certified health care provider billing statements are admissible to establish that the treatment charges are usual and customary in the community for health care treatment. However, this is a rebuttable presumption.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** This reduces costs and promotes judicial economy. This bill does not take away any right to challenge the value of the procedure, it just sets up a presumption that it is usual and customary, reducing the litany of expert witnesses who have to testify about the bill.

**Testimony Against:** Billing rates are not uniform, and this bill shifts the burden of proof unfairly to the defendant. Parties may already stipulate that the charges are customary, which has the same effect.

**Who Testified:** PRO: Frank Ladenburg, Self, attorney.

CON: Mel Sorenson, Property Casualty Insurance Association of America & Allstate; Jean Leonard, State Farm & Washington Insurers; Tim Leighton, American Insurance Association.