

SENATE BILL REPORT

SB 5490

As of January 13, 2004

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, Winsley, Keiser, Kline, Thibaudeau and Kohl-Welles.

Brief History:

Committee Activity: Health & Long-Term Care: 2/20/03; 1/15/04.

SENATE COMMITTEE ON HEALTH & LONG-TERM CARE

Staff: Tanya Karwaki (786-7447)

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: A rebuttable presumption is established that treatment charges on a health care provider's certified billing statement are the usual and customary charges in the community for health care treatment. Certified health care provider billing statements are admissible to establish that the charges are usual and customary in the community, but may be rebutted by a preponderance of the evidence.

Appropriation: None.

Fiscal Note: Available.

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