
SENATE BILL 5490

State of Washington

58th Legislature

2003 Regular Session

By Senators Franklin, Winsley, Keiser, Kline, Thibaudeau and Kohl-Welles

Read first time 01/27/2003. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to the legal presumption from certification of
2 medical records; and amending RCW 70.02.070.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 70.02.070 and 1995 c 292 s 20 are each amended to read
5 as follows:

6 (1) Upon the request of the person requesting the record, the
7 health care provider or facility shall certify the record furnished and
8 may charge for such certification in accordance with RCW 36.18.016(5).
9 No record need be certified until the fee is paid. The certification
10 shall be affixed to the record and disclose:

11 ~~((1))~~ (a) The identity of the patient;

12 ~~((2))~~ (b) The kind of health care information involved;

13 ~~((3))~~ (c) The identity of the person to whom the information is
14 being furnished;

15 ~~((4))~~ (d) The identity of the health care provider or facility
16 furnishing the information;

17 ~~((5))~~ (e) The number of pages of the health care information;

18 ~~((6))~~ (f) The date on which the health care information is
19 furnished; and

1 (~~(7)~~) (g) That the certification is to fulfill and meet the
2 requirements of this section.

3 (2) In a court of law, in an action to recover damages for personal
4 injury, the amount stated in a health care provider's billing statement
5 certified under this section for treatment provided to a patient is
6 presumed to be the usual and customary value of health care treatment,
7 and the statement is admissible in evidence to establish that the
8 charges are usual and customary charges in the community. The
9 presumption that the charges are usual and customary may be rebutted by
10 a preponderance of the evidence. The presumption does not shift the
11 burden of proof that the health care treatment was for health
12 conditions proximately caused by another's fault.

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