
Judiciary Committee

HB 1737

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

Brief Description: Making health care providers' billing statements admissible.

Sponsors: Representatives Green, Campbell and Pedersen.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Creates a rebuttable presumption that certified health care provider billing statements reflect the reasonable value of health care treatment and are admissible in a tort action to establish that the charges are reasonable and customary.

Hearing Date: 2/9/09

Staff: Edie Adams (786-7180)

Background:

A tort is a civil wrong in which a plaintiff seeks monetary compensation for harm to the plaintiff's person or property. Tort law includes actions based on negligence, intentional conduct and strict liability. Damages that may be awarded to an injured plaintiff include both economic damages, such as lost earnings and medical expenses, and non-economic damages, such as pain and suffering and emotional distress.

In order to recover medical expenses in a personal injury action, a plaintiff must prove that the medical expenses were reasonable and necessary. The plaintiff cannot simply rely on medical bills and records. Rather, the plaintiff must provide additional evidence that the treatment and the bills were both necessary and reasonable.

The Washington Uniform Health Care Information Act provides a process for a person who is entitled to receipt of a health care record to request that the record be certified by the health care provider or facility providing the record.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill:

In a civil tort action, a rebuttable presumption is created that certified health care provider billing statements reflect the reasonable value of health care treatment. Certified health care provider billing statements are admissible in evidence to establish that the charges are reasonable and customary charges in the community.

This rebuttable presumption does not shift the burden of proof for establishing any other element of a tort claim, including that the medical treatment was for a condition proximately caused by another's fault.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.