

Senate Study Bill 1094

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
JUDICIARY BILL BY
CHAIRPERSON KREIMAN)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the admissibility of medical records and bills
2 in civil cases.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1738SC 83
5 rh/rj/14

PAG LIN

1 1 Section 1. NEW SECTION. 622.4 ADMISSIBILITY OF MEDICAL
1 2 RECORDS AND BILLS.
1 3 1. In a civil action in which a plaintiff claims that
1 4 health care treatment was necessitated or will be necessitated
1 5 by the events giving rise to the claim or in which the
1 6 plaintiff is seeking medical, hospital, or disability
1 7 benefits, any party may offer the records and billing
1 8 statements of a care provider who provided such treatment, or
1 9 portions thereof, into evidence. Such records may include
1 10 letters or reports by the care provider, including those made
1 11 in connection with the action, that include opinions by the
1 12 care provider regarding the plaintiff's diagnosis, prognosis,
1 13 impairment, causation, or future treatment needs and costs.
1 14 2. A party intending to offer records or billing
1 15 statements of a care provider into evidence pursuant to this
1 16 section shall notify all parties of the party's intent to do
1 17 so on or before the party's deadline to designate expert
1 18 witnesses pursuant to court order or rule. The notice shall
1 19 identify the records and billing statements, or portions
1 20 thereof, that the party intends to offer. Not less than
1 21 thirty days before trial, a party shall provide all other
1 22 parties with copies of the records and billing statements, or
1 23 portions thereof, that the party intends to offer in the
1 24 exhibit form in which they will be offered.
1 25 3. a. A record or billing statement offered pursuant to
1 26 this section is admissible without supporting evidence or
1 27 testimony to identify or authenticate the record or billing
1 28 statement and to establish that the record or billing
1 29 statement is a record of a regularly conducted business
1 30 activity.
1 31 b. A record offered pursuant to this section is competent
1 32 evidence to identify or authenticate a record of all of the
1 33 following:
1 34 (1) The existence and treatment of the plaintiff's
1 35 medical, dental, or other health condition and that the
2 1 treatment described in the record was reasonable and necessary
2 2 to treat the conditions stated.
2 3 (2) The opinions of the care provider as they relate to
2 4 the diagnosis, prognosis, causation, and future treatment
2 5 needs and costs of the plaintiff.
2 6 c. A billing statement offered pursuant to this section is
2 7 competent evidence of the amount and reasonableness of the
2 8 charges for the treatment or materials provided.
2 9 4. This section shall not prohibit a party, including a
2 10 party offering records or billing statements under this
2 11 section, from objecting to the admissibility of records or
2 12 billing statements or portions thereof, or from redacting
2 13 information in such records or billing statements, on any
2 14 other grounds. If the party offering records or billing
2 15 statements under this section has made any redactions thereto,
2 16 the party shall notify all parties about the redactions at the
2 17 time that the records or billing statements are provided in
2 18 exhibit form. A party who objects to the form of a record or

2 19 billing statement or to some or all of its content, or to
2 20 redactions made thereto by the offering party, shall raise the
2 21 objection with the court within ten days of service upon that
2 22 party of the record or billing statement in exhibit form. If
2 23 a party contests the authenticity or identification of a
2 24 record or billing statement offered pursuant to this section,
2 25 or claims that the offered record or billing statement was not
2 26 made in the regular course of the business of the care
2 27 provider, the burden shall be on the objecting party to prove
2 28 such to the court.

2 29 5. The finder of fact may attach whatever weight to
2 30 records and billing statements admitted under this section
2 31 that the finder of fact deems appropriate.

2 32 6. This section shall not be construed to do any of the
2 33 following:

2 34 a. Prohibit any party, including an offering party, from
2 35 examining a care provider by deposition or at trial at that
3 1 party's expense or from presenting supporting or contrary
3 2 expert testimony.

3 3 b. Impose a duty upon a care provider to provide the care
3 4 provider's opinions in letter or report form, except as
3 5 otherwise required by law.

3 6 c. Alter the rights and limitations of a party or that
3 7 party's legal counsel to communicate with a care provider
3 8 pursuant to section 622.10.

3 9 7. As used in this section, "care provider" means any
3 10 physician or surgeon, physician assistant, advanced registered
3 11 nurse practitioner, mental health professional, dentist,
3 12 chiropractor, or other person who furnishes health care in the
3 13 regular course of business.

3 14 8. This section does not apply to records or billing
3 15 statements of a care provider retained by the plaintiff in
3 16 anticipation of litigation or for trial even though such care
3 17 providers may have provided treatment to the plaintiff.

3 18 EXPLANATION

3 19 This bill relates to the admissibility of medical records
3 20 and billing statements in civil cases.

3 21 The bill provides that in a civil action in which a
3 22 plaintiff claims that health care treatment was necessitated
3 23 or will be necessitated by the events giving rise to the claim
3 24 or in which the plaintiff is seeking medical, hospital, or
3 25 disability benefits, any party may offer the records and
3 26 billing statements of a care provider who provided such
3 27 treatment, or portions thereof, into evidence. Such records
3 28 may include letters or reports by the care provider that
3 29 include opinions by the care provider regarding the
3 30 plaintiff's diagnosis, prognosis, impairment, causation, or
3 31 future treatment needs and costs. The bill defines "care
3 32 provider" as any physician or surgeon, physician assistant,
3 33 advanced registered nurse practitioner, mental health
3 34 professional, dentist, chiropractor, or other person who
3 35 furnishes health care in the regular course of business.

4 1 The bill provides that a party intending to offer records
4 2 or billing statements of a care provider into evidence shall
4 3 notify all parties of the party's intent to do so on or before
4 4 the party's deadline to designate expert witnesses pursuant to
4 5 court order or rule. The notice shall identify the records
4 6 and billing statements, or portions thereof, that the party
4 7 intends to offer. Not less than 30 days before trial, the
4 8 party shall provide all parties with copies of the records and
4 9 billing statements, or portions thereof, that the party
4 10 intends to offer in the exhibit form in which they will be
4 11 offered.

4 12 The bill provides that a record or billing statement is
4 13 admissible without supporting evidence or testimony to
4 14 identify or authenticate the record or billing statement and
4 15 to establish that the record or billing statement is a record
4 16 of a regularly conducted business activity. A record that is
4 17 offered is competent evidence to identify or authenticate a
4 18 record of all of the existence and treatment of the
4 19 plaintiff's medical, dental, or other health condition and
4 20 that the treatment reflected therein was reasonable and
4 21 necessary to treat the conditions stated and the opinions of
4 22 the care provider as they relate to the diagnosis, prognosis,
4 23 causation, and future treatment needs and costs of the
4 24 plaintiff. A billing statement that is offered is competent
4 25 evidence of the amount and reasonableness of the charges for
4 26 the treatment or materials provided.

4 27 The bill does not prohibit a party from objecting to the
4 28 admissibility of records or statements or portions thereof, or
4 29 from redacting information in such records or statements, on

4 30 any other grounds. If the party offering records or billing
4 31 statements has made any redactions, the party shall notify all
4 32 parties about the redactions at the time that the records or
4 33 billing statements are provided in exhibit form. A party who
4 34 objects to the form of a record or billing statement or to
4 35 some or all of its content, or to redactions made by the
5 1 offering party, shall raise the objection with the court
5 2 within 10 days of service upon that party of the record or
5 3 billing statement in exhibit form. If a party contests the
5 4 authenticity or identification of a record or billing
5 5 statement offered pursuant to this section, or claims that the
5 6 offered record or billing statement was not made in the
5 7 regular course of the business of the care provider, the
5 8 burden shall be on the objecting party to prove such to the
5 9 court.

5 10 The bill does not prohibit any party from examining a care
5 11 provider by deposition or at trial at that party's expense or
5 12 from presenting supporting or contrary expert testimony, does
5 13 not impose a duty upon a care provider to provide the care
5 14 provider's opinions in letter or report form, and does not
5 15 alter the rights and limitations of a party or that party's
5 16 legal counsel to communicate with a care provider pursuant to
5 17 Code section 622.10.

5 18 The bill does not apply to records or billing statements of
5 19 a care provider retained by the plaintiff in anticipation of
5 20 litigation or for trial even though such care providers may
5 21 have provided treatment to the plaintiff.

5 22 LSB 1738SC 83
5 23 rh/rj/14