

Senate Study Bill 1283

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 admissibility into evidence of medical records
2 and bills in civil cases.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2633SC 83
5 rh/rj/14

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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. A party may
1 25 include a cover page identifying the care provider, setting
1 26 forth the dates of service, and summarizing the charges and
1 27 payments therefor.
1 28 3. a. A record or billing statement offered pursuant to
1 29 this section is admissible without supporting evidence or
1 30 testimony to identify or authenticate the record or billing
1 31 statement and to establish that the record or billing
1 32 statement is a record of a regularly conducted business
1 33 activity.
1 34 b. A record offered pursuant to this section is competent
1 35 evidence to identify or authenticate a record of all of the
2 1 following:
2 2 (1) The existence and treatment of the plaintiff's
2 3 medical, dental, or other health condition and that the
2 4 treatment described in the record was reasonable and necessary
2 5 to treat the conditions stated.
2 6 (2) The opinions of the care provider as they relate to
2 7 the diagnosis, prognosis, causation, and future treatment
2 8 needs and costs of the plaintiff without additional supporting
2 9 testimony.
2 10 c. A billing statement offered pursuant to this section is
2 11 competent evidence of the amount and reasonableness of the
2 12 charges for the treatment or materials provided.
2 13 4. This section shall not prohibit a party, including a
2 14 party offering records or billing statements under this
2 15 section, from objecting to the admissibility of records or
2 16 billing statements or portions thereof, or from redacting
2 17 information in such records or billing statements, on any
2 18 other grounds. If the party offering records or billing

2 19 statements under this section has made any redactions thereto,
2 20 the party shall notify all parties about the redactions at the
2 21 time that the records or billing statements are provided in
2 22 exhibit form. A party who objects to the form of a record or
2 23 billing statement or to some or all of its content, or to
2 24 redactions made thereto by the offering party, shall raise the
2 25 objection with the court within ten days of service upon that
2 26 party of the record or billing statement in exhibit form. If
2 27 a party contests the authenticity or identification of a
2 28 record or billing statement offered pursuant to this section,
2 29 or claims that the offered record or billing statement was not
2 30 made in the regular course of the business of the care
2 31 provider, the burden shall be on the objecting party to prove
2 32 such to the court.

2 33 5. This section shall not be construed to do any of the
2 34 following:

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

3 4 b. Impose a duty upon a care provider to provide the care
3 5 provider's opinions in letter or report form, except as
3 6 otherwise required by law.

3 7 c. Alter the rights and limitations of a party or that
3 8 party's legal counsel to communicate with a care provider
3 9 pursuant to section 622.10.

3 10 d. Prohibit or alter the admissibility of records or
3 11 billing statements that are otherwise admissible under the
3 12 rules of evidence.

3 13 e. Change the timing of disclosure of expert opinions
3 14 pursuant to court order or rule.

3 15 6. As used in this section, "care provider" means any
3 16 physician or surgeon, physician assistant, advanced registered
3 17 nurse practitioner, mental health professional, dentist,
3 18 chiropractor, or other person who furnishes health care in the
3 19 regular course of business.

3 20 7. This section does not apply to records or billing
3 21 statements of a care provider retained by the plaintiff in
3 22 anticipation of litigation or for trial unless those care
3 23 providers have personally examined the plaintiff.

3 24 EXPLANATION

3 25 This bill relates to the admissibility of medical records
3 26 and billing statements in civil cases.

3 27 The bill provides that in a civil action in which a
3 28 plaintiff claims that health care treatment was necessitated
3 29 or will be necessitated by the events giving rise to the claim
3 30 or in which the plaintiff is seeking medical, hospital, or
3 31 disability benefits, any party may offer the records and
3 32 billing statements of a care provider who provided such
3 33 treatment, or portions thereof, into evidence. Such records
3 34 may include letters or reports by the care provider that
3 35 include opinions by the care provider regarding the
4 1 plaintiff's diagnosis, prognosis, impairment, causation, or
4 2 future treatment needs and costs. The bill defines "care
4 3 provider" as any physician or surgeon, physician assistant,
4 4 advanced registered nurse practitioner, mental health
4 5 professional, dentist, chiropractor, or other person who
4 6 furnishes health care in the regular course of business.

4 7 The bill provides that a party intending to offer records
4 8 or billing statements of a care provider into evidence shall
4 9 notify all parties of the party's intent to do so on or before
4 10 the party's deadline to designate expert witnesses pursuant to
4 11 court order or rule. The notice shall identify the records
4 12 and billing statements, or portions thereof, that the party
4 13 intends to offer. Not less than 30 days before trial, the
4 14 party shall provide all parties with copies of the records and
4 15 billing statements, or portions thereof, that the party
4 16 intends to offer in the exhibit form in which they will be
4 17 offered. A party may include a cover page identifying the
4 18 care provider, setting forth the dates of service, and
4 19 summarizing the charges and payments.

4 20 The bill provides that a record or billing statement is
4 21 admissible without supporting evidence or testimony to
4 22 identify or authenticate the record or billing statement and
4 23 to establish that the record or billing statement is a record
4 24 of a regularly conducted business activity. A record that is
4 25 offered is competent evidence to identify or authenticate a
4 26 record of all of the existence and treatment of the
4 27 plaintiff's medical, dental, or other health condition and
4 28 that the treatment was reasonable and necessary to treat the
4 29 conditions stated and the opinions of the care provider as

4 30 they relate to the diagnosis, prognosis, causation, and future
4 31 treatment needs and costs of the plaintiff without additional
4 32 supporting testimony. A billing statement that is offered is
4 33 competent evidence of the amount and reasonableness of the
4 34 charges for the treatment or materials provided.

4 35 The bill does not prohibit a party from objecting to the
5 1 admissibility of records or statements or portions thereof, or
5 2 from redacting information in such records or statements, on
5 3 any other grounds. If the party offering records or billing
5 4 statements has made any redactions, the party shall notify all
5 5 parties about the redactions at the time that the records or
5 6 billing statements are provided in exhibit form. A party who
5 7 objects to the form of a record or billing statement or to
5 8 some or all of its content, or to redactions made by the
5 9 offering party, shall raise the objection with the court
5 10 within 10 days of service upon that party of the record or
5 11 billing statement in exhibit form. If a party contests the
5 12 authenticity or identification of a record or billing
5 13 statement offered pursuant to this section, or claims that the
5 14 offered record or billing statement was not made in the
5 15 regular course of the business of the care provider, the
5 16 burden shall be on the objecting party to prove such to the
5 17 court.

5 18 The bill does not prohibit any party from examining a care
5 19 provider by deposition or at trial at that party's expense or
5 20 from presenting supporting or contrary expert testimony, does
5 21 not impose a duty upon a care provider to provide the care
5 22 provider's opinions in letter or report form, does not alter
5 23 the rights and limitations of a party or that party's legal
5 24 counsel to communicate with a care provider pursuant to Code
5 25 section 622.10, does not prohibit or alter the admissibility
5 26 of records or billing statements otherwise admissible, and
5 27 does not change the timing of disclosure of expert opinions
5 28 pursuant to court order or rule.

5 29 The bill does not apply to records or billing statements of
5 30 a care provider retained by the plaintiff in anticipation of
5 31 litigation or for trial unless those care providers have
5 32 personally examined the plaintiff.

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