

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1672

H.P. 1199

House of Representatives, May 2, 2019

**An Act Regarding the Admissibility of Certain Health Care Records
as Evidence**

Reference to the Committee on Judiciary suggested and ordered printed.

Robert B. Hunt
ROBERT B. HUNT
Clerk

Presented by Representative BAILEY of Saco.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 16 MRSA §357**, as amended by PL 2011, c. 335, §1, is repealed and the
3 following enacted in its place:

4 **§357. Health care records and copies of records**

5 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
6 following terms have the following meanings.

7 A. "Health care entity" has the same meaning as in Title 22, section 1718-B,
8 subsection 1, paragraph B.

9 B. "Health care practitioner" has the same meaning as in Title 24, section 2502,
10 subsection 1-A.

11 C. "Health care provider" has the same meaning as in Title 24, section 2502,
12 subsection 2.

13 D. "Medical entity" means a health care entity, health care practitioner, health care
14 provider, pharmacist or pharmacy.

15 E. "Pharmacist" has the same meaning as in Title 32, section 13702-A, subsection
16 22.

17 F. "Pharmacy" has the same meaning as in Title 32, section 13702-A, subsection 24.

18 G. "Records" includes itemized bills.

19 **2. Records admissible.** Records kept by medical entities licensed under the laws of
20 this State and records that the court finds are required by the laws of any other state or
21 territory, or the District of Columbia, or by federal laws and regulations pertaining to the
22 Department of Defense and the Department of Veterans Affairs or kept by medical
23 entities similarly conducted or operated or that offer treatment free of charge are
24 admissible in the courts of this State as evidence of:

25 A. The fair and reasonable charge for such services or the necessity of services or
26 treatments;

27 B. The diagnosis provided by the medical entity;

28 C. The prognosis provided by the medical entity;

29 D. The opinion provided by the medical entity regarding the proximate cause of the
30 condition diagnosed by the medical entity; and

31 E. The opinion provided by the medical entity regarding any disability or incapacity
32 proximately resulting from the condition diagnosed by the medical entity.

33 The court shall admit copies of records if certified by the persons having custody of those
34 records as being true and complete, but nothing contained in those records is admissible
35 as evidence on the issue of liability. Copies of photographic or microphotographic
36 records kept by medical entities, when duly certified by the person in charge of the
37 medical entity, must be admitted in evidence equally with the original photographs or
38 microphotographs.

