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SENATE BILL 5185

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State of Washington

59th Legislature

2005 Regular Session

By Senators Franklin and Kline

Read first time 01/17/2005. 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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