

1 HB228
2 163492-4
3 By Representative Wadsworth
4 RFD: Judiciary
5 First Read: 10-MAR-15

1 or any other person or facility that provides medical services
2 to a person.

3 "(b) When the original would be admissible in any
4 case or proceeding in a court in the state, a certified copy
5 of the ~~hospital~~ records of any hospital a medical provider
6 organized or operated under or pursuant to the laws of
7 Alabama, including itemization of charges as set forth in
8 subsection (c) and records of admission, medical, ~~hospital,~~
9 occupational, disease, injury and disability histories,
10 temperature and other charts, X rays and written
11 interpretations thereof, pictures, photographs, files, written
12 orders, directions, findings and reports and interpretations
13 of physicians, doctors, surgeons, pathologists, radiologists,
14 specialists, dentists, technicians and nurses, as well as of
15 all employees of ~~such hospital~~ the medical provider, forming a
16 part of ~~such hospital~~ the records of a medical provider, as to
17 the health, condition, state, injuries, sickness, disease,
18 mental, physical and nervous disorders, duration and character
19 of disabilities, diagnosis, prognosis, progress, wounds, cuts,
20 contusions, lacerations, breaks, loss of blood, incisions,
21 operations, injuries, examinations, tests, transfusions,
22 hospitalization and duration thereof, medication, medicines,
23 supplies, treatment and care and the cost, expenses, fees and
24 charges therefor and thereof, a part of, or shown on or in,
25 ~~said hospital~~ records of the medical provider of any patient
26 ~~in said hospital~~ of the medical provider, when certified and
27 affirmed by the custodian of ~~said hospital~~ the medical

1 provider records of the medical provider as provided in
2 Section 12-21-7, shall be admissible in evidence, without
3 further proof in any court in the state where admissible, if
4 and when ~~said hospital~~ the records of the medical provider
5 were made and kept in the usual and regular course of business
6 of ~~said hospital~~ and it was in the regular course of business
7 of ~~said hospital~~ the medical provider to make and keep ~~said~~
8 the records and that ~~said~~ the records were made at the time of
9 ~~such~~ the acts, transactions, occurrences, or events therein
10 referred to occurred or arose or were made, or within a
11 reasonable time thereafter.

12 "(c) The itemization of charges included in
13 subsection (b) shall indicate all amounts paid and those
14 amounts that have been satisfied or otherwise written off or
15 reduced.

16 "§12-21-6.

17 "(a) A certified copy of ~~said hospital~~ the records
18 of the medical provider may be procured by any litigant in any
19 court of competent jurisdiction in the state by subpoena duces
20 tecum, and when ~~any such~~ a subpoena duces tecum is issued for
21 ~~said hospital~~ the records of the medical provider, the
22 custodian of ~~said hospital~~ the records of the medical provider
23 shall prepare a copy of ~~said hospital~~ the records of the
24 medical provider as provided in this subsection and securely
25 seal the same in an envelope or other container and date and
26 fill out and sign a certificate in substantially the form
27 provided in Section 12-21-7 and place on, or securely fasten

1 ~~said the~~ certificate to the outside of, ~~said the~~ envelope or
2 container in which ~~said the~~ copy of ~~said hospital the~~ records
3 of the medical provider are placed and deliver the same to the
4 clerk or register of the court hearing, or to hear or to try,
5 the case or proceeding in which the records are sought, and he
6 shall not otherwise be required to appear in court unless
7 thereafter ordered to do so by the court. The copy of the
8 ~~hospital~~ records of the medical provider shall not be open to
9 inspection or copy by other persons than the parties to the
10 case or proceeding and their attorneys until ordered published
11 by the court trying the case at the time of the trial. When so
12 prepared and certified, the copy of ~~said hospital the~~ records
13 of the medical provider shall be admissible in evidence in any
14 court in the state, if and when admissible, in prima facie
15 proof of the facts therein shown just as if otherwise verified
16 and just as if the copy were the original. The copy of the
17 ~~hospital~~ records of the medical provider may be photostated,
18 photographed or made by microphotographic plate or film, or
19 otherwise made, so long as clear and easily legible. All the
20 circumstances of the making of ~~such hospital the~~ records of
21 the medical provider, including lack of personal knowledge of
22 the entrant or maker of ~~such hospital the~~ records of the
23 medical provider, may otherwise be shown to affect the weight
24 of ~~such hospital the~~ records of the medical provider, but this
25 shall not affect their admissibility.

26 "(b) Repealed by Acts 1994, No. 94-609, p. 1124, §3.

27 "§12-21-7.

1 "The certificate of the custodian of the ~~hospital~~
2 records of the medical provider provided for in Sections
3 12-21-5 and 12-21-6 shall show the name of the parties to the
4 case or proceeding and the name of the court to which made, by
5 appropriate caption, and ~~said the~~ certificate shall be in form
6 in substance as follows, to-wit:

7 "I, _____, hereby certify and affirm in writing that
8 I am _____ of the _____ ~~Hospital~~, a ~~hospital~~ medical provider
9 organized or operated pursuant to or under the laws of
10 Alabama, located at _____, Alabama, that I am custodian of the
11 ~~hospital~~ records of ~~said hospital~~ the medical provider and
12 that the within copy of ~~said hospital~~ the records of the
13 medical provider are an exact, full, true, and correct copy of
14 ~~said hospital~~ the records of the medical provider pertaining
15 to _____ and that the treatment provided was reasonable and
16 necessary.

17 "I further certify that I am familiar with and know,
18 and knew when made and charged, the reasonable value and price
19 for the various charges made and shown in ~~said hospital~~ the
20 records pertaining to _____ and that ~~said the~~ charges are
21 in my judgment just, reasonable and proper and in keeping with
22 those generally charged in the county and community where ~~said~~
23 the hospital medical provider is located.

24 "All of which I hereby certify and affirm on this
25 _____ day of _____, 1920."

1 Section 2. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Judiciary 10-MAR-15

Read for the second time and placed
on the calendar 3 amendments 07-MAY-15

Read for the third time and passed
as amended..... 19-MAY-15

Yeas 100, Nays 0, Abstains 1

Jeff Woodard
Clerk