

By: Hughes

H.B. No. 1465

A BILL TO BE ENTITLED

AN ACT

relating to the filing of certain medical and health care information as evidence in a civil action.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 18, Civil Practice and Remedies Code, is amended by adding Sections 18.003 and 18.004 to read as follows:

Sec. 18.003. ADMISSIBILITY OF MEDICAL AND HEALTH CARE RECORDS. (a) In this section, "medical or health care record" includes a medical or health care billing record.

(b) Notwithstanding any provision of the Texas Rules of Evidence, a medical or health care record may not be required to be filed with a court before a trial commences in order to exempt the record from a requirement to provide extrinsic evidence of authenticity as a condition precedent to admissibility of the record if:

(1) an affidavit of the custodian of the record or other qualified witness is filed in accordance with the Texas Rules of Evidence to authenticate the record as a record of a regularly conducted activity; and

(2) the affidavit and the record that is the subject of the affidavit are served on the other parties to the action in the manner contemplated by Rule 21a, Texas Rules of Civil Procedure, on or before the date on which the affidavit is filed with the court.

1 (c) If an objection to the admissibility of the record is
2 not made before the trial commences, objections to the record's
3 admissibility are considered waived and the record shall be filed
4 with the court when the trial commences.

5 (d) Notwithstanding Section 22.004, Government Code, the
6 supreme court may not amend or adopt rules in conflict with this
7 section.

8 Sec. 18.004. RELEASE OF MEDICAL AND HEALTH CARE RECORDS.
9 After the final disposition of an action in which a medical or
10 health care record, including a medical or health care billing
11 record, is filed as evidence with a court, whether filed for the
12 purposes of Section 18.004 or otherwise, the court shall release
13 the record to the party that submitted the record on that party's
14 request.

15 SECTION 2. Sections 18.003 and 18.004, Civil Practice and
16 Remedies Code, as added by this Act, apply only to the admissibility
17 and release of evidence in an action that commences on or after the
18 effective date of this Act.

19 SECTION 3. This Act takes effect September 1, 2013.