

Spring 1999

## 1998 Survey of Rhode Island Law: Legislation: Evidence: Evidence of Charges for Medical and Hospital Services for Prescriptions and Orthopedic Appliances - Evidence Required from Hospital Medical Records

Rory Zack Fazendeiro  
*Roger Williams University School of Law*

Follow this and additional works at: [http://docs.rwu.edu/rwu\\_LR](http://docs.rwu.edu/rwu_LR)

---

### Recommended Citation

Fazendeiro, Rory Zack (1999) "1998 Survey of Rhode Island Law: Legislation: Evidence: Evidence of Charges for Medical and Hospital Services for Prescriptions and Orthopedic Appliances - Evidence Required from Hospital Medical Records," *Roger Williams University Law Review*: Vol. 4: Iss. 2, Article 29.

Available at: [http://docs.rwu.edu/rwu\\_LR/vol4/iss2/29](http://docs.rwu.edu/rwu_LR/vol4/iss2/29)

This Survey of Rhode Island Law is brought to you for free and open access by the Journals at DOCS@RWU. It has been accepted for inclusion in Roger Williams University Law Review by an authorized administrator of DOCS@RWU. For more information, please contact [mwu@rwu.edu](mailto:mwu@rwu.edu).

**Evidence.** *Evidence of Charges for Medical and Hospital Services and for Prescriptions and Orthopedic Appliances—Evidence Required from Hospital Medical Records.* The Act provides that itemized bills, reports, and examination records of an injured person are admissible as evidence of his or her reasonable costs or necessity of medical services. Further, these reports are admissible as evidence to demonstrate an opinion or diagnosis of the treating physician or dentist. The Act amends section 9-19-27 of the Rhode Island General Laws, entitled "Evidence." Effective, July 9, 1998. 1998 R.I. Public Laws ch. 280.

Under the Act, admissible evidence includes itemized bills and reports relating to health and medical services and/or any reported examination of an injured person.<sup>1</sup> The itemized bill or report may originate from any state and includes hospital medical records, services, prescriptions, or orthopedic appliances rendered.<sup>2</sup> A report of examination of an injured person includes, but is not limited to hospital medical records by the physician, dentist, or agent of the hospital.<sup>3</sup> The bills or reported examinations shall be admissible as evidence of (1) the reasonable charge for the services or necessity of the treatment and the diagnoses or prognoses of the physician or dentist, and (2) the opinion of the physician or dentist regarding the proximate cause of the condition and any disability or incapacity proximately resulting therefrom.<sup>4</sup> The terms "dentist" and "physician" includes those licensed under title 5 or under the applicable laws of the jurisdiction where the examination occurred.<sup>5</sup>

The Act further specifies procedural requirements. For example, the admissibility of the evidence is contingent upon written notice to any opposing party of an intention to offer the bill or report as evidence.<sup>6</sup> The notice must be sent by certified mail no less than ten days before offering the documents into evidence.<sup>7</sup> In addition, an affidavit of the notice and its return receipt must be filed

---

1. See R.I. Gen. Laws § 9-19-27 (1956) (1997 Reenactment & Supp. 1998).

2. See *id.*

3. See *id.*

4. See *id.*

5. See *id.*

6. See *id.*

7. See *id.*

with the clerk of the court.<sup>8</sup> Any objections to admissibility of the affidavit must be filed within ten days of its receipt.<sup>9</sup>

Rory Zack Fazendeiro

---

8. *See id.*

9. *See id.*