

---

SENATE BILL 5573

---

State of Washington

61st Legislature

2009 Regular Session

By Senator Franklin

Read first time 01/27/09. Referred to Committee on Judiciary.

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 Upon the request of the person requesting the record, the health  
7 care provider or facility shall certify the record furnished and may  
8 charge for such certification in accordance with RCW 36.18.016(5). No  
9 record need be certified until the fee is paid. The certification  
10 shall be affixed to the record and disclose:

- 11 (1) The identity of the patient;  
12 (2) The kind of health care information involved;  
13 (3) The identity of the person to whom the information is being  
14 furnished;  
15 (4) The identity of the health care provider or facility furnishing  
16 the information;  
17 (5) The number of pages of the health care information;  
18 (6) The date on which the health care information is furnished; and

1 (7) That the certification is to fulfill and meet the requirements  
2 of this section.

3 In an arbitration proceeding or a court of law in an action under  
4 tort, health care providers' billing statements certified under this  
5 section for treatment provided to a patient are presumed to reflect the  
6 reasonable value of health care treatment and are admissible in  
7 evidence to establish that the charges are reasonable and customary  
8 charges in the community. The presumption that the charges are  
9 reasonable and customary may be rebutted by a preponderance of the  
10 evidence. The presumption does not shift the burden of proof that the  
11 medical treatment was for medical conditions proximately caused by  
12 another's fault, or any other element of a tort claim.

--- END ---