

The House Committee on Judiciary offers the following substitute to HB 1238:

A BILL TO BE ENTITLED
AN ACT

To amend Title 24 of the Official Code of Georgia Annotated, relating to evidence, so as to change the list of health care professionals from whom narrative reports can be received and from whom bills submitted into evidence were received; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 24 of the Official Code of Georgia Annotated, relating to evidence, is amended in Code Section 24-3-18, relating to admissibility of medical reports, the qualifications of person signing reports, and the right of adverse party to cross-examine person signing reports, by striking subsection (a) and inserting in lieu thereof the following:

"(a) Upon the trial of any civil case involving injury or disease, any medical report in narrative form which has been signed and dated by an examining or treating licensed ~~medical doctor~~ physician, dentist, orthodontist, podiatrist, optometrist, physical or occupational therapist, doctor of chiropractic, psychologist, advanced practice nurse, social worker, professional counselor, or marriage and family therapist shall be admissible and received in evidence insofar as it purports to represent the history, examination, diagnosis, treatment, prognosis, or interpretation of tests or examinations, including the basis therefor, by the person signing the report, the same as if that person were present at trial and testifying as a witness; provided, however, that such report and notice of intention to introduce such report must first be provided to the adverse party at least 60 days prior to trial. A statement of the qualifications of the person signing the report may be included as part of the basis for providing the information contained therein, and the opinion of the person signing the report with regard to the etiology of the injury or disease may be included as part of the diagnosis. Any adverse party may object to the admissibility of any portion of the report, other than on the ground that it is hearsay, within 15 days of being provided with the report. Further, any adverse party shall have the right to cross-examine

1 the person signing the report and provide rebuttal testimony. The party tendering the report
2 may also introduce testimony of the person signing the report for the purpose of
3 supplementing the report or otherwise."

4 SECTION 2.

5 Said title is further amended in Code Section 24-7-9, relating to identification of medical
6 bills, by striking said Code section and by substituting in lieu thereof the following:

7 "24-7-9.

8 (a) Upon the trial of any civil case involving injury or disease, the patient or the member
9 of his or her family or other person responsible for the care of the patient shall be a
10 competent witness to identify bills for expenses incurred in the treatment of the patient
11 upon a showing by such witness that the expenses were incurred in connection with the
12 treatment of the injury, disease, or disability involved in the subject of litigation at trial and
13 that the bills were received from:

14 (1) A hospital;

15 (2) An ambulance service;

16 (3) A pharmacy, drugstore, or supplier of therapeutic or orthopedic devices; or

17 (4) A licensed ~~practicing physician, chiropractor, dentist, orthotist, podiatrist, or~~
18 ~~psychologist~~ physician, dentist, orthodontist, podiatrist, optometrist, physical or
19 occupational therapist, doctor of chiropractic, psychologist, advanced practice nurse,
20 social worker, professional counselor, or marriage and family therapist.

21 (b) Such items of evidence need not be identified by the one who submits the bill, and it
22 shall not be necessary for an expert witness to testify that the charges were reasonable and
23 necessary. However, nothing in this Code section shall be construed to limit the right of a
24 thorough and sifting cross-examination as to such items of evidence."

25 SECTION 3.

26 All laws and parts of laws in conflict with this Act are repealed.