



2001 SENATE BILL 186

May 23, 2001 - Introduced by Senators BURKE, DARLING and ROSENZWEIG, cosponsored by Representatives BERCEAU, LIPPERT, MUSSER, TURNER and SYKORA. Referred to Committee on Judiciary, Consumer Affairs, and Campaign Finance Reform.

- 1 **AN ACT to amend** 908.03 (6m) (b) (intro.) of the statutes; **relating to:** admitting
2 health care records into evidence in a trial or hearing.

Analysis by the Legislative Reference Bureau

Under current law, hearsay generally may not be admitted into evidence in a trial or a hearing. "Hearsay" is a statement, including a written record, that is made other than while a person is testifying at a trial or hearing, and that is offered at a trial or hearing for the purpose of proving the truth of the matter asserted. An exception to the hearsay prohibition permits a party to introduce records of regularly conducted activities into evidence, if the custodian of the records testifies as to the authenticity of the records. However, health care provider records may be admitted into evidence in a trial or hearing without authentication testimony, if the party who intends to introduce the health care records either serves a copy of the records on all other parties, or notifies the other parties that a copy of the records is available for inspection and photocopying at a specified location, at least 40 days before the trial or hearing.

This bill reduces, from 40 to 20, the number of days before a trial or hearing by which time a party must either serve health care records on the other parties or notify the other parties of the location where the health care records may be inspected or photocopied, in order for the health care records to be admissible into evidence at the trial or hearing without authentication testimony for the custodian of the records.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

