Ohio Legislative Service Commission

Bill Analysis

Aida S. Montano

H.B. 361

128th General Assembly
(As Introduced)

Reps. Murray, Foley, Huffman, Domenick, Letson, Yuko, Okey, Skindell, Oelslager, Stebelton

BILL SUMMARY

- Modifies existing law by providing that in an action for damages arising from personal injury or wrongful death, a written and itemized bill or statement, if otherwise admissible, is prima-facie evidence of *both* the reasonableness of any charges and fees stated in the bill or statement for medication and prosthetic devices furnished, or medical, dental, *nursing,* hospital, and funeral services rendered by the person, firm, or corporation issuing that bill or statement *and the necessity of the medication and prosthetic devices furnished, or medical, dental, nursing, hospital, and funeral services rendered, by that person, firm, or corporation*, only if the party offering it delivers a copy of it, or the relevant portion, to the attorney of record for each adverse party not less than five days before trial (new language is in italics).

- Provides that evidence, subject to specified exceptions, that the charges and fees stated in a written bill or statement are not reasonable or that the medication and prosthetic devices furnished, or medical, dental, nursing, hospital, and funeral services rendered, by the person, firm, or corporation issuing the bill or statement are not necessary is admissible to rebut the prima-facie evidence of the reasonableness of the charges and fees, and of the necessity of the medication and prosthetic devices, or medical, dental, nursing, hospital, and funeral services that are the basis of the charges and fees, stated in the written bill or statement.

CONTENT AND OPERATION

Prima-facie evidence of reasonableness of medical bills

Existing law

Existing law provides that in an action for damages arising from personal injury or wrongful death, a written bill or statement, or any relevant portion thereof, itemized by date, type of service rendered, and charge, is, if otherwise admissible, prima-facie evidence of the reasonableness of any charges and fees stated therein for medication and prosthetic devices furnished, or medical, dental, hospital, and funeral services rendered by the person, firm, or corporation issuing such bill or statement, provided, that such bill or statement is prima-facie evidence of reasonableness only if the party offering it delivers a copy of it, or the relevant portion thereof, to the attorney of record for each adverse party not less than five days before trial (R.C. 2317.421).

Operation of the bill

The bill modifies existing law by providing that in an action for damages arising from personal injury or wrongful death, a written bill or statement, or any relevant portion *of a written bill or statement*, itemized by date, type of service rendered, and charge, if otherwise admissible, is prima-facie evidence of *both* the reasonableness of any charges and fees stated *in the written bill or statement* for medication and prosthetic devices furnished, or medical, dental, *nursing,* hospital, and funeral services rendered by the person, firm, or corporation issuing *that* bill or statement *and the necessity of the medication and prosthetic devices furnished, or medical, dental, nursing, hospital, and funeral services rendered, by the person, firm, or corporation issuing that bill or statement*, provided, that *the* bill or statement is prima-facie evidence of *the* reasonableness *and the necessity* only if the party offering it delivers a copy of it, or the relevant portion, to the attorney of record for each adverse party not less than five days before trial (modified and added language is italicized) (R.C. 2317.421(A)).

The bill provides that, subject to the following paragraph, evidence that the charges and fees stated in a written bill or statement are not reasonable or that the medication and prosthetic devices furnished, or medical, dental, nursing, hospital, and funeral services rendered, by the person, firm, or corporation issuing that bill or statement are not necessary is admissible to rebut the prima-facie evidence of the reasonableness of the charges and fees, and of the necessity of the medication and prosthetic devices, or medical, dental, nursing, hospital, and funeral services that are the basis of the charges and fees, stated in the written bill or statement.

Any evidence that the person, firm, or corporation that issued the written bill or statement did any of the following is not admissible to rebut the prima-facie evidence of the reasonableness of the charges and fees, and of the necessity of the medication and prosthetic devices, or medical, dental, nursing, hospital, and funeral services that are the basis of the charges and fees, stated in the bill or statement: (1) accepted an amount that is different from the amount of the charges and fees stated in the written bill or statement as full payment for those charges and fees, (2) agreed to waive any right to payment of the charges and fees stated in the written bill or statement, or (3) agreed to provide the services, medication, or prosthetic devices described above free of any charges or fees. (R.C. 2317.421(B) and (C).)

HISTORY

ACTION	DATE
Introduced	11-10-09

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