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SENATE BILL NO. 510**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the Senate Committee for Courts of Justice
on February 10, 2016)

(Patron Prior to Substitute—Senator Sturtevant)

A BILL to amend and reenact § 8.01-413.01 of the Code of Virginia, relating to authenticity and reasonableness of medical bills; presumption; who may identify and provide testimony.

Be it enacted by the General Assembly of Virginia:**1. That § 8.01-413.01 of the Code of Virginia is amended and reenacted as follows:****§ 8.01-413.01. Authenticity and reasonableness of medical bills; presumption.**

A. In any action for personal injuries, wrongful death, or for medical expense benefits payable under a motor vehicle insurance policy issued pursuant to § 38.2-124 or § 38.2-2201, the authenticity of bills for medical services provided and the reasonableness of the charges of the health care provider shall be rebuttably presumed upon identification by the plaintiff of the original bill or a duly authenticated copy and the plaintiff's testimony (i) identifying the health care provider, (ii) explaining the circumstances surrounding his receipt of the bill, (iii) describing the services rendered, and (iv) stating that the services were rendered in connection with treatment for the injuries received in the event giving rise to the action. *If the court finds the plaintiff is unable to provide such testimony, the plaintiff's guardian, agent under an advance directive, agent under a power of attorney, or next friend may identify the bill or an authenticated copy and provide testimony in lieu of the plaintiff.* The presumption herein shall not apply unless the opposing party or his attorney has been furnished such medical records at least ~~twenty-one~~ 30 days prior to the trial.

B. Where no medical bill is rendered or specific charge made by a health care provider to the insured, an insurer, or any other person, the usual and customary fee charged for the service rendered may be established by the testimony or the affidavit of an expert having knowledge of the usual and customary fees charged for the services rendered. If the fee is to be established by affidavit, the affidavit shall be submitted to the opposing party or his attorney at least ~~twenty-one~~ 30 days prior to trial. The testimony or the affidavit is subject to rebuttal and may be admitted in the same manner as an original bill or authenticated copy described in subsection A ~~of this section~~.