

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 8.01-413.01 of the Code of Virginia, relating to authenticity and*
3 *reasonableness of medical bills; presumption; who may identify and provide testimony.*

4 [H 232]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 8.01-413.01 of the Code of Virginia is amended and reenacted as follows:**8 **§ 8.01-413.01. Authenticity and reasonableness of medical bills; presumption.**

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

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

ENROLLED

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