S T A T E O F N E W Y O R K

4336

2009-2010 Regular Sessions

I N A S S E M B L Y

February 3, 2009

Introduced by M. of A. SEMINERIO -- read once and referred to the Committee on Codes

AN ACT to amend the civil practice law and rules, in relation to the admission of hospital records into evidence

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Rule 4518 of the civil practice law and rules is amended by adding a new subdivision (h) to read as follows:

(H) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ALL ENTRIES MADE IN A DULY AUTHENTICATED HOSPITAL RECORD, INCLUDING STATEMENTS MADE BY A PLAINTIFF IN A PERSONAL INJURY ACTION AS TO THE CAUSE OF SUCH INJURY, ARE ADMISSIBLE IN EVIDENCE UNDER THIS RULE AND ALL OTHER CIRCUMSTANCES CONCERNING SUCH ENTRIES MAY BE PROVED TO AFFECT THEIR WEIGHT, BUT NOT THEIR ADMISSIBILITY.

S 2. This act shall take effect immediately and shall apply to all actions that proceed to trial not less than ninety days after such effective date.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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