



## Weston Hurd Client Advisory - October 2013

# Ohio Supreme Court Holds That Defendants Are Not Required to Offer Expert Testimony for the Admittance of Medical Write-Offs to Prove the Reasonableness of Medical Expenses

On October 24, 2013, the Ohio Supreme Court overturned a Ninth District Court of Appeals decision, *Moretz v. Muakkassa*, 2012-Ohio-1177, in which the appellate court upheld a trial court order that a defendant must offer expert testimony to prove the reasonableness of medical charges based upon the amount of "write-offs" on medical bills.

The Ohio Supreme Court held that the trial court abused its discretion by prohibiting the defendant from attempting to show that the reasonable value of medical services was equal to the amount paid after write-offs, unless the defendant laid a foundation through expert testimony.

The Court reasoned that the plain language of R.C. 2317.421, which governs the admittance of medical bills, obviates the necessity of expert testimony for the admission of evidence of write-offs, reflected on medical bills and statements, as *prima facie* evidence of the reasonable value of medical services. According to R.C. 2317.421, "a written bill or statement, or any relevant portion thereof establishes a presumption of the reasonableness of medical charges and fees." The statute requires that, at a minimum, the bills and statements must reflect the date of service, the type of service rendered, and the original charge.

In *Robinson v. Bates*, 112 Ohio St.3d 17, 2006-Ohio-6362, 857 N.E.2d 1195, the Court recognized that R.C. 2317.421 makes medical bills *prima facie* evidence of the reasonable value of charges for medical services. Thus, a plaintiff is permitted to offer a medical statement to prove that the reasonable value of the medical services is equal to the face value of the medical bills before any write-offs. In turn, the defendants may offer evidence of write-offs to prove that the reasonable value of the medical services is equal to the amount paid after write-offs. There is no basis under the statute for requiring the defendant to submit expert witness testimony to show that the actual amounts accepted as payment for medical services are reasonable, when the initial charges for the services are admissible into evidence without testimony.

The Court offered three major points for its reasoning that a defendant should not be required to authenticate evidence of medical write-offs through expert testimony. First, the statute refers to "a written bill or statement, or any relevant portion thereof." This final phrase broadens the

meaning of the words "bill or statement." Also, the statute does not expressly exclude write-offs from the statutory presumption. Finally, the statute refers to "the party offering" the bills and statements, which means that the statutory presumption applies to either party, not just to plaintiffs. Ultimately, eliminating the need for expert testimony allows both parties to avoid this expense.

Please contact your Weston Hurd attorney if you have any questions.

### **Ohio Supreme Court Opinion**

[Moretz v. Muakkassa, 2013-Ohio-4656](#)

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