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THE NEW JERSEY CREDITORS BAR ASSOCIATION

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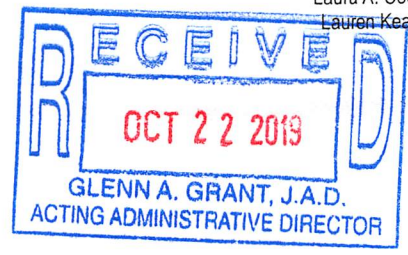
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October 21, 2019



Hon. Glenn A. Grant, J.A.D.  
Acting Administrative Director of the Courts  
Hughes Justice Complex  
25 West Market Street  
Trenton, NJ 08625

Re: Comment on Proposed Amendments to Rule 1:38  
Exclusion of Medical and Related Records from Public Access

Dear Judge Grant:

This comment on the above Rule proposal is being submitted on behalf of the New Jersey Creditors Bar Association.

While we agree with the proposed Rule change, there is one concern that we have, namely that the term "Medical Records" has not been defined. Clarification is needed.

For example, in medical collection suits would an itemized statement of the services rendered be a "Medical Record" under the Rule? An itemized statement of services rendered by a medical provider, whether a physician or a hospital, is typically attached to the Complaint. Moreover such an itemized statement is definitely attached to Certifications of Proof in support of the entry of a default judgment as required by Rules 6:6-3(a) and 4:43-2(a). The itemized statement must also accompany Certifications filed in support of a Motion for Summary Judgment.

These itemized statements are essential components of the proofs required by the New Jersey Court Rules. They do not give details as to the medical condition of the patient; they only set forth the services rendered, their dates, the provider(s) and the amounts charged for the same. These

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statements strike an appropriate balance between protecting the privacy of the patients and facilitating the creditors' compliance with the New Jersey Rules of Court governing the entry of judgments. Any personal identifiers are redacted as required by Rule 1:38-7.

Accordingly, the NJCBA believes that the proposed Rule should be clarified to contain a definition of the term "Medical Record" that excludes itemized statements of the amount due for services rendered. This would avoid confusion and possible inconsistencies in the way our Court Rules are applied

*If you have any questions, please contact me at my office at Morgan Melhuish Abrutyn LLP, 651 Old Mount Pleasant Avenue, Livingston, NJ 07039. Telephone Number (973) 863-7651.*

Respectfully yours,

  
Arthur J. Raimon

cc: New Jersey Creditors Bar Association