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Civil Procedure; Examination of Judgment Debtors

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Civil Procedure; medical records

NEV. REV. STAT. §52.— (new), §52.325 (amended).
SB 334 (Committee on Judiciary); 1983 STAT. Ch 235

Existing law establishes procedures for the authentication,¹ production,² control³ and maintenance⁴ of medical records submitted in response to a subpoena.⁵ Chapter 235 expressly provides that these procedures apply to financial documents showing the cost of medical care and services provided to a patient.⁶ Consequently, these financial records will be sufficiently authenticated when the medical records custodian⁷ delivers the required affidavit⁸ and copies of the records to the clerk of the court issuing the subpoena.⁹

1. NEV. REV. STAT. §§52.015 (authentication as condition precedent to admissibility of evidence), 52.325(2) (requirement of authentication).

2. *Id.* §§52.325, 52.345.

3. *Id.* §§52.335, 52.365.

4. *Id.*

5. *Id.* §§52.325 - .375.

6. 1983 Nev. Stat. c. 235, §1(2), at 535.

7. *Id.* c. 235, §1(1), at 535 (definition of custodian of medical records).

8. NEV. REV. STAT. §52.325(2) (amended by 1983 Nev. Stat. c. 235, §2(2), at 536). The affidavit must verify that the original medical records were made by a person with knowledge, at or near the time of the events recited therein, during the regular course of business. The affidavit must also confirm that the documents submitted are true and complete copies of the original medical records. *Id.*

9. *Id.* §52.325(1). If medical records are properly authenticated, the custodian's affidavit is accepted in lieu of testimony as an exception to the hearsay rule. *Id.* §51.135(2). However, Chapter 235 does not indicate that *financial* medical records are included in this exception. *See* 1983 Nev. Stat. c. 235, §1, at 535 (limiting the application of this definition of medical records to subpoena procedures).

Civil Procedure; examination of judgment debtors

NEV. REV. STAT. §21.270 (amended).
SB 23 (Committee on Judiciary); 1983 STAT. Ch 13

Existing law specifies procedures for the enforcement of judgments and decrees.¹ Prior to the enactment of Chapter 13, a judgment debtor could not be examined under oath until a writ of execution² had been

1. *See generally* NEV. REV. STAT. §§21.010-.340.

2. *Id.* §§21.010, 21.020, 21.070 (requirements for a writ of execution).

returned³ wholly or partially unsatisfied.⁴ Chapter 13 eliminates the condition that the execution against the property be returned unsatisfied before the judgment debtor can be forced to appear,⁵ and permits the judgment creditor to require the judgment debtor to appear and answer at any time after the judgment is entered.⁶

3. *See id.* §21.040. An execution is returnable to the clerk with whom the judgment roll is filed not less than 10 nor more than 60 days after its receipt by the sheriff. *Id.*

4. 1911 CIVIL PRACTICE ACT §365 (enacting NEV. REV. STAT. §21.270).

5. Compare NEV. REV. STAT. §21.270 (amended by 1983 Nev. Stat. c. 13, §1, at 17) with 1911 CIVIL PRACTICE ACT §365 (enacting NEV. REV. STAT. §21.270).

6. NEV. REV. STAT. §21.270 (amended by 1983 Nev. Stat. c. 13, §1, at 17).

