

---

ACTS, 1988. - Chap. 130.

without limiting the generality of the foregoing, any facility for processing refuse or other materials into fuel, with or without other by-products.

"Energy conservation systems", any projects, systems, programs and measures to promote or implement energy conservation, and as authorized in clause (p1/2) of section five.

**SECTION 3.** Section 5 of said chapter 775 is hereby amended by inserting after clause (p) the following clause:-

(p1/2) in addition to and not in derogation of any other authority previously granted under this act, jointly or separately to plan, finance, operate, use, share costs of, sponsor, publicize or otherwise participate in projects, systems, programs or measures to promote or implement energy conservation and load management including but not limited to energy-conserving or load reducing modifications of the maintenance and operating procedures of a building or facility or in the installation therein; energy-conserving modifications to windows and doors; caulking and weatherstripping; insulation; automatic energy control systems; load management systems; hot water systems; equipment required to operate variable steam, hydraulic and ventilating systems; plant and distribution system modifications, including replacement of burners, furnaces or boilers; devices for modifying fuel openings; electrical or mechanical furnace ignition systems; replacement or modifications of lighting fixtures; energy recovery and recycling systems; and cogeneration systems or portions thereof; or research and development relating thereto within or without the commonwealth and to enter into and perform contracts with respect thereto if the corporation acquires or owns an interest as a tenant in common with others in any energy conservation system within the commonwealth the surrender or waiver by any such owner of such property of its right to partition such property for a period not exceeding the period for which the property is used or useful for electric utility purposes shall not be invalid and unenforceable by reason of length of such period, or as unduly restricting the alienation of such property.

Approved July 14, 1988.

---

**Chapter 130. AN ACT RELATIVE TO THE ADMISSIBILITY OF HOSPITAL RECORDS AND MEDICAL REPORTS IN CERTAIN ACTIONS.**

Be it enacted, etc., as follows:

Chapter 233 of the General Laws is hereby amended by striking out section 79G, as amended by chapter 540 of the acts of 1987, and inserting in place thereof the following section:-

Section 79G. In any proceeding commenced in any court, commission or agency, an itemized bill and reports, including hospital medical records, relating to medical, dental, hospital services, prescriptions, or

---

ACTS, 1988. - Chaps. 130.

orthopedic appliances rendered to or prescribed for a person injured, or any report of any examination of said injured person, including, but not limited to hospital medical records subscribed and sworn to under the penalties of perjury by the physician, dentist, authorized agent of a hospital or health maintenance organization rendering such services or by the pharmacist or retailer of orthopedic appliances, shall be admissible as evidence of the fair and reasonable charge for such services or the necessity of such services or treatments, the diagnosis of said physician or dentist, the prognosis of such physician or dentist, the opinion of such physician or dentist as to proximate cause of the condition so diagnosed, the opinion of such physician or dentist as to disability or incapacity, if any, proximately resulting from the condition so diagnosed; provided, however, that written notice of the intention to offer such bill or report as such evidence, together with a copy thereof, has been given to the opposing party or parties, or to his or their attorneys, by mailing the same by certified mail, return receipt requested, not less than ten days before the introduction of same into evidence, and that an affidavit of such notice and the return receipt is filed with the clerk of the court, agency or commission forthwith after said receipt has been returned. Nothing contained in this section shall be construed to limit the right of any party to the action to summon, at his own expense, such physician, dentist, pharmacist, retailer of orthopedic appliances or agent of such hospital or health maintenance organization or the records of such hospital or health maintenance organization for the purpose of cross examination with respect to such bill, record and report or to rebut the contents thereof, or for any other purpose, nor to limit the right of any party to the action or proceeding to summon any other person to testify in respect to such bill, record or report or for any other purpose.

The words "physician" and "dentist" shall not include any person who is not licensed to practice as such under the laws of the jurisdiction within which such services were rendered, but shall include chiropodists, chiropractors, optometrists, osteopaths, physical therapists, podiatrists, psychologists and other medical personnel licensed to practice under the laws of the jurisdiction within which such services were rendered.

The word "hospital" shall mean any hospital required to keep records under section seventy of chapter one hundred and eleven, or which is in any way licensed or regulated by the laws of any other state, or by the laws and regulations of the United States of America, including hospitals of the Veterans Administration or similar type institutions, whether incorporated or not.

The words "health maintenance organization" shall have the same meaning as defined in section one of chapter one hundred and seventy-six G.

Approved July 14, 1988.