

C**Effective: January 1, 2005**McKinney's Consolidated Laws of New York Annotated CurrentnessCivil Practice Law and Rules (Refs & Annos)Chapter Eight, Of the Consolidated LawsArticle 45, Evidence (Refs & Annos)**→ Rule 4532-a. Admissibility of graphic, numerical, symbolic or pictorial representations of medical or diagnostic tests**

A graphic, numerical, symbolic or pictorial representation of the results of a medical or diagnostic procedure or test is admissible in evidence provided:

(1) the name of the injured party, the date when the information constituting the graphic, numerical, symbolic or pictorial representation was taken, and such additional identifying information as is customarily inscribed by the medical practitioner or medical facility is inserted on such graphic, numerical, symbolic or pictorial representation; and

(2) (a) the representation has been previously received or examined by the party or parties against whom it is being offered; or

(b)(i) at least ten days before the date of trial of the action, the party intending to offer such graphic, numerical, symbolic or pictorial representation as a proposed exhibit serves upon the party or parties against whom said proposed exhibit is to be offered, a notice of intention to offer such proposed exhibit in evidence during the trial and that the same is available for inspection; and

(ii) the notice aforesaid is accompanied by an affidavit or affirmation of such physician identifying such graphic, numerical, symbolic or pictorial representation and attesting to the identifying information inscribed thereon, attesting that the identifying information inscribed thereon is the same as is customarily inscribed by the medical practitioner or facility, and further attesting that, if called as a witness in the action, he or she would so testify.

Nothing contained in this rule, however, shall prohibit the admissibility of a graphic, numerical, symbolic or pictorial representation in evidence where otherwise admissible.

CREDIT(S)

(Added L.1970, c. 772, § 1. Amended Jud.Conf.1972 Proposal No. 5; L.1979, c. 124, § 1; L.1993, c. 482, § 1; L.2001, c. 392, § 1, eff. Jan. 1, 2002; L.2004, c. 375, § 1, eff. Jan. 1, 2005.)

Current through L.2010, chapters 1 to 59 and 61 to 567.

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