I.R.E. 904. Authentication of Medical or Dental Tests and Test Results for Diagnostic or Treatment Purposes.

Idaho Rules of Evidence Rule 904. Authentication of Medical or Dental Tests and Test Results for Diagnostic or Treatment Purposes.

(1) Authentication of items described in Rule 803(23). Extrinsic evidence of authenticity as a condition precedent to admissibility is not required for items described in Rule 803(23) if the proposed exhibit identifies the person or entity who conducted or interpreted the test, the name of the patient, and the date when the test was performed, and notice was given in accord with subsection (2) of this rule.

(2) Notice. No less than 45 days before trial, any party intending to offer a document under this rule must serve on all parties a notice, stating that the document is being offered under this rule and shall be deemed authentic and admissible without testimony or further identification, unless objection is filed and served within 14 days of the date of notice, pursuant to subsection (3) of this rule. The notice served on the parties shall include a brief description of the document along with the name, address and telephone number of the documents author or maker, and the notice shall be accompanied by a copy of the document. The notice, but not the accompanying document, shall be filed with the court.

(3) Objection to authenticity or admissibility. Within 14 days of notice, any other party may object by filing and serving on all parties a written objection to any document offered under this rule, identifying each document to which objection is made. The grounds for the objection shall be specifically set forth, except objection on the grounds of relevancy need not be made until trial. If the court in a civil case finds that an objection was made without reasonable basis and the document is admitted at trial, the court may award the offering party any expenses incurred and reasonable attorney fees.

(4) Effect of Rule. This rule does not restrict argument or proof relating to the weight to be accorded the evidence submitted, nor does it restrict the trier of facts authority to determine the weight of the evidence after hearing all of the evidence and the arguments of opposing parties. Nothing contained in this rule shall prohibit the admissibility of a written, graphic, numerical, symbolic or pictorial representation in evidence where otherwise admissible.

(Adopted October 23, 2008, effective January 1, 2009.)

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