



by a contractual or statutory privilege, lien or guarantee. Present law further provides that the determination of the award shall be made in both jury trials and bench trials.

Proposed law repeals present law.

Present law provides that in cases where a claimant's medical expenses are paid pursuant to the Louisiana Workers' Compensation Law as provided in present law, a claimant's recovery of medical expenses is limited to the amount paid under the medical payment fee schedule of the Louisiana Workers' Compensation Law.

Proposed law retains present law.

Present law provides that in a jury trial, only after a jury verdict is rendered may the court receive evidence related to limitations of recoverable past medical expenses provided by present law. Further provides that the jury shall be informed only of the amount billed by a medical provider for medical treatment. Present law provides that whether any person, health insurance issuer, or Medicare has paid or has agreed to pay, in whole or in part, any of claimant's medical expenses, shall not be disclosed to the jury. Present law provides that in trial to the court alone, the court may consider such evidence.

Proposed law repeals present law.

Proposed law provides that, except as provided in present law, a party may introduce admissible evidence to establish the basis for an award for medical expenses, which includes the following:

- (1) Amount of medical expenses billed.
- (2) Amount of medical expenses paid.
- (3) Amount of premiums paid for the year preceding the date of the accident or occurrence for the health insurance policy providing health care coverage to the claimant for treatment or services received.
- (4) An agreement between the health care provider and a third party responsible for the financing or collection of medical expenses.
- (5) Expert testimony to establish or refute the reasonableness of the past, present, or projected future medical expenses the claimant seeks to recover.

Proposed law further provides that the trier of fact shall make a determination of the amount of medical expenses to award, if any, after all evidence has been presented. Provides that the claimant's recovery of medical expenses shall not exceed the amount actually paid and the projected related medical expenses to be paid in the future. The trier of fact may also award up to one and one-half times the amount of premiums paid by the claimant during the year preceding the date of the accident or occurrence.

Proposed law provides that proposed law shall have prospective application only and shall not apply to causes of action filed prior to the effective date of proposed law.

Effective January 1, 2026.

(Amends R.S. 9:2800.27; repeals R.S. 9:2800.27(F) and (G))