

2025 Regular Session

SENATE BILL NO. 209

BY SENATOR HODGES

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CIVIL PROCEDURE. Provides for recoverable damages and medical expenses for personal injury from a motor vehicle accident. (8/1/25)

AN ACT

To amend and reenact R.S. 9:2800.27(D) and (E) and to enact R.S. 9:2800.27(H), relative to civil actions; to provide relative to damages for personal injury from a motor vehicle accident; to provide relative to recoverable medical damages; to provide relative to recoverable medical expenses; to provide relative to health insurance coverage; to provide relative to limitations of certain recoverable medical expenses; to provide relative to payment of medical expenses by Medicare; to provide relative to payment of medical expenses by Medicaid; to provide relative to Medicare and Medicaid reimbursement rate; to provide for prospective application; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:2800.27 (D) and (E) are hereby amended and reenacted and R.S. 9:2800.27(H) is hereby enacted to read as follows:

§2800.27. Recoverable past medical expenses; collateral sources; limitations; evidence

* * *

D. In cases where a claimant injured in a motor vehicle accident does not

1 have coverage through a health insurance issuer, the claimant's recovery of
2 medical expenses is limited to amounts paid to a medical provider on behalf of
3 the claimant, in addition to the following:

4 (1) An amount representing one hundred twenty percent of the Medicare
5 reimbursement rate in effect on the date which the claimant received medical
6 treatment or services, or if there is no applicable Medicare rate for a service,
7 one hundred seventy percent of the applicable state Medicaid rate, to satisfy
8 unpaid charges for past medical treatment or services.

9 (2) An amount representing one hundred twenty percent of the Medicare
10 reimbursement rate in effect at the time of trial for the medical treatment or
11 services the claimant will receive, or if there is no applicable Medicare rate for
12 a service, one hundred seventy percent of the applicable state Medicaid rate, to
13 satisfy payment of future medical treatment or services.

14 ~~D.E.~~ The recovery of past medical expenses other than those provided by
15 Subsection B-~~or~~, C **or D** of this Section shall be limited to amounts paid to a medical
16 provider by or on behalf of the claimant, and amounts remaining owed to a medical
17 provider, including medical expenses secured by a contractual or statutory privilege,
18 lien, or guarantee. The determination of this award shall be made only in accordance
19 with Subsection F of this Section.

20 ~~E.F.~~ In cases where a claimant's medical expenses are paid pursuant to the
21 Louisiana Workers' Compensation Law as provided in R.S. 23:1020.1 et seq., a
22 claimant's recovery of medical expenses is limited to the amount paid under the
23 medical payment fee schedule of the Louisiana Workers' Compensation Law.

24 ~~F.G.~~ In a jury trial, only after a jury verdict is rendered may the court receive
25 evidence related to the limitations of recoverable past medical expenses provided by
26 Subsection B or D of this Section. The jury shall be informed only of the amount
27 billed by a medical provider for medical treatment. Whether any person, health
28 insurance issuer, or Medicare has paid or has agreed to pay, in whole or in part, any
29 of a claimant's medical expenses, shall not be disclosed to the jury. In trial to the

1 court alone, the court may consider such evidence.

2 ~~G.H.~~ This Section shall not apply in cases brought pursuant to R.S. 40:1231.1
3 et seq., or 1237.1 et seq.

4 Section 2. The provisions of this Act shall have prospective application only and
5 shall not apply to causes of action filed prior to the effective date of this Act.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

DIGEST

SB 209 Original

2025 Regular Session

Hodges

Present law (R.S. 9:2800.27) provides that a claimant's recovery of medical expenses paid by certain collateral sources is limited to the amount actually paid (and any applicable cost sharing amounts paid or owed by the claimant), and not the amount billed.

Present law (R.S. 9:2800.27(A)) defines "contracted medical provider"; "cost of procurement"; "cost sharing"; "health insurance issuer"; and "medical provider".

Present law (R.S. 9:2800.27(B)) provides that in cases where a claimant's medical expenses have been paid, in whole or in part, by a health insurance issuer or Medicare to a contracted medical provider, the claimant's recovery of medical expenses is limited to the amount actually paid to the contracted medical provider by the health insurance issuer or Medicare, and any applicable cost sharing amounts paid or owed by the claimant, and not the amount billed.

Present law further provides that the court shall award to the claimant 40% of the difference between the amount billed and the amount actually paid to the contracted medical provider by a health insurance issuer or Medicare in consideration of the claimant's cost of procurement, provided that this amount shall be reduced if the defendant proves that the recovery of the cost of procurement would make the award unreasonable.

Present law (R.S. 9:2800.27(C)) provides that in cases where a claimant's medical expenses have been paid, in whole or in part, by Medicaid to a medical provider, the claimant's recovery of medical expenses actually paid by Medicaid is limited to the amount actually paid to the medical provider by Medicaid, and any applicable cost sharing amounts paid or owed by the claimant and not the amount billed.

Proposed law retains present law.

Proposed law provides that in cases where a claimant injured in a motor vehicle accident does not have coverage through a health insurance issuer, the claimant's recovery of medical expenses is limited to amounts paid to a medical provider on behalf of the claimant, in addition to the following:

- (1) An amount representing 120% of the Medicare reimbursement rate in effect on the date which the claimant received medical treatment or services, or if there is no applicable Medicare rate for a service, 170% of the applicable state Medicaid rate, to satisfy unpaid charges for past medical treatment or services.
- (2) An amount representing 120% of the Medicare reimbursement rate in effect at the

time of trial for the medical treatment or services the claimant will receive, or if there is no applicable Medicare rate for a service, 170% of the applicable state Medicaid rate, to satisfy payment of future medical treatment or services.

Present law (R.S. 9:2800.27(D)) provides that the recovery of past medical expenses other than those where claimant's medical expenses have been paid, in whole or in part, by a health insurance issuer, Medicare, or Medicaid, shall be limited to amounts paid to a medical provider by or on behalf of the claimant, and amounts remaining owed to a medical provider, including medical expenses secured by a contractual or statutory privilege, lien, or guarantee. Provides for the determination of the award pursuant to present law.

Proposed law retains present law and further provides that recovery of past medical expenses in cases where a claimant injured in a motor vehicle accident does not have coverage through a health insurance issuer is not limited as provided in present law (R.S. 9:2800.27(D)).

Present law (R.S. 9:2800.27(E)) provides that in cases where a claimant's medical expenses are paid pursuant to the Louisiana Workers' Compensation 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.

Present law (R.S. 9:2800.27(F)) provides that in a jury trial, only after a jury verdict is rendered may the court receive evidence related to the limitations of recoverable past medical expenses provided by present law.

Present law provides that the jury shall be informed only of the amount billed by a medical provider for medical treatment. Present law further provides that whether any person, health insurance issuer, or Medicare has paid or has agreed to pay, in whole or in part, any of a claimant's medical expenses, shall not be disclosed to the jury. Provides that in trial to the court alone, the court may consider such evidence.

Proposed law retains present law.

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 August 1, 2025.

(Amends R.S. 9:2800.27(D) and (E); adds R.S. 9:2800.27(H))