

2024 Regular Session

HOUSE BILL NO. 423

BY REPRESENTATIVE MELERINE

CIVIL/PROCEDURE: Provides for payment of recoverable medical expenses from collateral sources

1 AN ACT

2 To amend and reenact R.S. 9:2800.27(B), (D), and (F) and to repeal R.S. 9:2800.27(G),
3 relative to recoverable medical expenses; to provide with respect to adjusting the
4 award and payment of medical expenses; to provide relative to payment of
5 recoverable medical expenses from collateral sources; to provide for limitations of
6 the amount of medical expenses paid by collateral sources; to provide relative to jury
7 instructions; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 9:2800.27(B), (D), and (F) are hereby amended and reenacted to read
10 as follows:

11 §2800.27. Recoverable past medical expenses; collateral sources; limitations;
12 evidence

13 * * *

14 B. In cases where a claimant's medical expenses have been paid, in whole
15 or in part, by a health insurance issuer or Medicare to a contracted medical provider,
16 the claimant's recovery of medical expenses is limited to the amount actually paid
17 to the contracted medical provider by the health insurance issuer or Medicare, and
18 any applicable cost sharing amounts paid or owed by the claimant, and not the
19 amount billed. ~~The court shall award to the claimant forty percent of the difference~~
20 ~~between the amount billed and the amount actually paid to the contracted medical~~

1 provider by a health insurance issuer or Medicare in consideration of the claimant's
 2 cost of procurement, provided that this amount shall be reduced if the defendant
 3 proves that the recovery of the cost of procurement would make the award
 4 unreasonable. The determination of this award shall be made only in accordance with
 5 the provisions of Subsection F of this Section.

6 * * *

7 D. The recovery of past medical expenses other than those provided by
 8 Subsection B or C of this Section shall be limited to amounts paid to a medical
 9 provider by or on behalf of the claimant, and amounts remaining owed to a medical
 10 provider, including medical expenses secured by a contractual or statutory privilege,
 11 lien, or guarantee. ~~The determination of this award shall be made only in accordance~~
 12 ~~with Subsection F of this Section.~~

13 * * *

14 ~~F. In a jury trial, only after a jury verdict is rendered may the court receive~~
 15 ~~evidence related to the limitations of recoverable past medical expenses provided by~~
 16 ~~Subsection B or D of this Section. The jury shall be informed only of the amount~~
 17 ~~billed by a medical provider for medical treatment. Whether any person, health~~
 18 ~~insurance issuer, or Medicare has paid or has agreed to pay, in whole or in part, any~~
 19 ~~of a claimant's medical expenses, shall not be disclosed to the jury. In trial to the~~
 20 ~~court alone, the court may consider such evidence.~~

21 ~~G. F.~~ This Section shall not apply in cases brought pursuant to R.S.
 22 40:1231.1 et seq. or 1237.1 et seq. and medical payments benefit coverage only.

23 Section 2. R.S. 9:2800.27(G) is hereby repealed in its entirety.

24 Section 3. This Act shall be effective for any cause of action occurring after
 25 January 1, 2025.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, 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)]

HB 423 Reengrossed

2024 Regular Session

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Abstract: Provides for the payment of recoverable medical expenses from collateral sources.

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 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 reasonable.

Proposed law retains present law but deletes the requirement that the court shall award 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.

Present law (R.S. 9:2800.27(F)) provides that the jury shall only be informed of the amount billed by a medical provider and whether another source has agreed to pay shall not be disclosed to the jury.

Proposed law repeals present law.

Proposed law applies to any cause of action occurring after Jan. 1, 2025.

Present law provides that present law shall not apply to cases brought under R.S. 40:1231.1 or 1237.1.

Proposed law retains present law but adds medical payments benefit coverage only.

(Amends R.S. 9:2800.27(B), (D), and (F); Repeals R.S. 9:2800.27(G))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Make technical changes.
2. Remove present law which provides that the jury is only informed of the amount billed by a medical provider and evidence of another source agreeing to pay shall not be disclosed.

The House Floor Amendments to the engrossed bill:

1. Add a technical amendment.
2. Add an effective date.
3. Provide that proposed law shall not apply to medical payments benefit coverage only.