

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 423

2024 Regular Session

Melerine

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

Synopsis of Senate Amendments

1. Makes a technical change.
2. Changes the award to the contracted medical provider from 40% to up to 30%.
3. Removes the requirement to reduce the amount if the defendant proves that recovery of the cost of procurement would make the award unreasonable, and removes the provision that the determination of the award is made only in accordance with present law.
4. Provides that the claimant shall be compensated for any diminution in the claimant's patrimony and such payments shall be discoverable to permit the calculation of the 30% difference between the amount billed and the amount owed, and shall be admissible to the trier of fact.
5. Provides that if the provisions of present law apply, the jury shall be informed only of the amount billed by a medical provider for medical treatment and whether a person has agreed to pay any of the claimant's medical expenses shall not be disclosed to the jury.
6. Provides that the provisions of proposed law shall not apply to any benefits received by the claimant through medical payment coverage provided through an auto insurance policy.
7. Removes the repeal of present law (R.S. 9:2800.27(G)) which provides that present law shall not apply to medical malpractice actions.

Digest of Bill as Finally Passed by Senate

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 provides that the court shall award the claimant up to 30% of the difference between the amount billed and the amount actually paid to the contracted medical provider by a health insurance issuer or Medicare.

Proposed law provides that the claimant shall be compensated for any diminution in the claimant's patrimony and such payments shall be discoverable to permit the calculation of the 30% difference between the amount billed and the amount owed, and shall be admissible

to the trier of fact.

Present law (R.S. 9:2800.27(D)) provides for the recovery of past medical expenses other than those provided by present law which shall be limited to the amounts paid to a medical provider on behalf of the claimant. The determination of this award is made only in accordance with present law.

Proposed law retains present law but removes the requirement that the determination of the award under present law is made only in accordance with present law.

Proposed law provides that if the provisions of present law apply, the jury shall be informed only of the amount billed by a medical provider for medical treatment and whether a person has agreed to pay any of the claimant's medical expenses shall not be disclosed to the jury.

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.

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 any benefits received by the claimant through medical payment coverage provided through an auto insurance policy.

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

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