
DIGEST

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HB 789 Original

2018 Regular Session

Thibaut

Abstract: Limits recovery for medical expenses to the amount actually paid by the health insurance company or Medicare to the healthcare provider.

Proposed law provides that reductions in medical bills based upon the write-offs or write-downs by insurance companies or Medicare are not collateral sources and are therefore not recoverable as damages in civil litigation.

Proposed law provides that when a plaintiff's medical expenses have been paid by a health insurance company or Medicare, plaintiff's recovery of medical expenses is limited to the amount actually paid to the healthcare provider by the insurer or Medicare, and not the amount billed.

Proposed law provides that if the plaintiff pays the medical expenses directly to the healthcare provider when health insurance is available, recovery is limited to the amount that would have been paid by the insurer or Medicare.

Proposed law provides that payment for medical expenses is limited to the amount payable under the fee schedule of the present law Workers' Compensation Law when that present law is applicable, and provides that if the plaintiff pays those expenses directly to the healthcare provider, the plaintiff's recovery for medical expenses is limited to the amount that would have been paid under the Workers' Compensation Law fee schedule.

(Adds R.S. 9:2800.25)