
DIGEST

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HB 896 Original

2022 Regular Session

McFarland

Abstract: Revises the collateral source provisions to include amounts payable by insurance, Medicare, or Medicaid and eliminates the exception for claims brought against the state.

Present law 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 medical provider, the claimant's recovery of medical expenses is limited to the amount actually paid to the medical provider by health insurance or Medicare, and any applicable cost sharing amounts paid or owed by the claimant, and not the amount billed.

Proposed law provides that the claimant's recovery of medical expenses is limited to the amount actually paid or payable by health insurance or Medicare, regardless of whether the claimant elects to use health insurance or Medicare to pay the medical expenses, and any applicable cost sharing amounts paid or owed by the claimant.

Present law provides the court shall award to the claimant 40% of the difference between the amount billed and the amount actually paid by health insurance or Medicare in consideration of the claimant's cost of procurement.

Proposed law provides that the claimant shall be awarded 40% of the difference between the amount billed and the amount actually paid or payable by health insurance or Medicare.

Present law 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 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 provides that the claimant's recovery is limited to the amount actually paid or payable by Medicaid and any applicable cost sharing amounts paid or owed by the claimant, regardless of whether the claimant elects to use Medicaid to pay the medical expenses.

Present law provides that the recovery of other past medical expenses 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.

Proposed law provides that present law shall apply in every instance regardless of how medical

expenses are initially paid and regardless of whether or not such expenses can be considered a debt owed to or owned by any party or third party.

Present law provisions regarding recoverable past medical expenses do not apply in medical malpractice claims or in suits against the state, state agencies, or political subdivisions.

Proposed law repeals present law exception for suits against the state, state agencies, or political subdivisions.

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