

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), relative to recoverable medical expenses; to
3 provide with respect to adjusting the award and payment of medical expenses; to
4 provide relative to payment of recoverable medical expenses from collateral sources;
5 to provide for limitations of the amount of medical expenses paid by collateral
6 sources; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 9:2800.27(B) is hereby amended and reenacted to read as follows:

9 §2800.27. Recoverable past medical expenses; collateral sources; limitations;
10 evidence

11 * * *

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

1 ~~proves that the recovery of the cost of procurement would make the award~~
2 ~~unreasonable.~~ The determination of this award shall be made only in accordance
3 with the provisions of Subsection F of this Section.

4 * * *

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 Original

2024 Regular Session

Melerine

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.

(Amends R.S. 9:2800.27(B))