
SENATE FLOOR AMENDMENTS

2024 Regular Session

Amendments proposed by Senator Seabaugh to Reengrossed House Bill No. 423 by Representative Melerine

AMENDMENT NO. 1

Delete the set of amendments by the Senate Committee on Judiciary A and adopted by the Senate on May 1, 2024.

AMENDMENT NO. 2

Delete the set of amendments proposed by the Legislative Bureau and adopted by the Senate on May 6, 2024.

AMENDMENT NO. 3

On page 1, line 19, after "amount billed." delete the remainder of the line, delete line 20, and insert:

"The court ~~shall~~ may award to the claimant ~~forty up to thirty~~ percent 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 unreasonable. The determination of this award shall be made only in accordance with the provisions of Subsection F of this Section.~~ This amount shall be used to compensate a claimant for any diminution in the claimant's patrimony and for such expenses as payment of all, or part, of the premium for the health insurance issuer providing benefits to the claimant for treatment of bodily injuries sustained. The amount actually paid by a health insurance issuer or Medicare, any cost sharing amount, and the amount billed, paid, or to be paid by the health insurance issuer or Medicare obligated to pay such expenses shall be discoverable to permit the calculation of the thirty percent difference pursuant to this Paragraph and shall be admissible to the triar of fact."

AMENDMENT NO. 4

On page 2, line 12, after "~~of this Section.~~" insert the following:

"When this paragraph applies, the jury shall be informed only of the amount billed by a medical provider for medical treatment. Whether any person has paid or has agreed to pay, in whole or in part, any of a claimant's medical expenses shall not be disclosed to the jury."

AMENDMENT NO. 5

On page 2, delete lines 21 through 23, and insert the following:

~~"G. F.~~ This Section shall not apply in cases brought pursuant to R.S. 40:1231.1 et seq., or 1237.1 et seq to any benefits received by the claimant through medical payments coverage provided through an auto insurance policy."

AMENDMENT NO. 6

On page 2, line 24, change "Section 3." to "Section 2."