

Regular Session, 2014

HOUSE BILL NO. 773

BY REPRESENTATIVE SEABAUGH

CIVIL/LAW: Provides with respect to the award of certain damages

1 AN ACT

2 To enact Civil Code Article 2315(C), relative to damages; to prohibit the award of damages
3 in certain circumstances; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. Civil Code Article 2315(C) is hereby enacted to read as follows:

6 Art. 2315. Liability for acts causing damages

7 * * *

8 C. In any action for damages in which a person suffers injury, death, or loss,
9 the court shall not award to the plaintiff any portion of any medical expense, bill, or
10 invoice that the plaintiff is not personally obligated to pay to the provider because
11 that medical expense, bill, or invoice has been reduced or paid by a healthcare
12 insurer, Medicare, Medicaid, other state or federal agency or program, or by private
13 agreement.

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)]

Seabaugh

HB No. 773

Abstract: Prohibits an award by the court to the plaintiff of any portion of any medical expense, bill, or invoice that the plaintiff is not personally obligated to pay to the provider because it has been reduced or paid by any healthcare insurer, Medicare, Medicaid, other state or federal agency or program, or by private agreement.

Present law provides that every act whatever of man that causes damage to another obliges him by whose fault it happened to repair it.

Present law provides that damages may include loss of consortium, service, and society, and also include any sales taxes paid by the owner on the repair or replacement of the property damaged.

Present law provides that damages do not include costs for future medical treatment, services, surveillance, or procedures of any kind unless such treatment, services, surveillance, or procedures are directly related to a manifest physical or mental injury or disease.

Proposed law retains present law and provides that in any action for damages in which a person suffers injury, death, or loss, the court shall not award to the plaintiff any portion of any medical expense, bill, or invoice that the plaintiff is not personally obligated to pay to the provider because it has been reduced or paid by any healthcare insurer, Medicare, Medicaid, other state or federal agency or program, or by private agreement.

(Adds C.C. Art. 2315(C))