

2024 Regular Session

HOUSE BILL NO. 423

BY REPRESENTATIVE MELERINE

1 AN ACT

2 To amend and reenact R.S. 9:2800.27(B), (D), and (F) and to repeal R.S. 9:2800.27(G),
3 relative to recoverable medical expenses; to provide with respect to adjusting the
4 award and payment of medical expenses; to provide relative to payment of
5 recoverable medical expenses from collateral sources; to provide for limitations of
6 the amount of medical expenses paid by collateral sources; to provide relative to jury
7 instructions; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 9:2800.27(B), (D), and (F) are hereby amended and reenacted to read
10 as follows:

11 §2800.27. Recoverable past medical expenses; collateral sources; limitations;
12 evidence

13 * * *

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

1 be reduced if the defendant proves that the recovery of the cost of procurement
 2 would make the award unreasonable. The determination of this award shall be made
 3 only in accordance with the provisions of Subsection F of this Section. This amount
 4 shall be used to compensate a claimant for any diminution in the claimant's
 5 patrimony and for such expenses as payment of all, or part, of the premium for the
 6 health insurance issuer providing benefits to the claimant for treatment of bodily
 7 injuries sustained. The amount actually paid by a health insurance issuer or
 8 Medicare, any cost sharing amount, and the amount billed, paid, or to be paid by the
 9 health insurance issuer or Medicare obligated to pay such expenses shall be
 10 discoverable to permit the calculation of the thirty percent difference pursuant to this
 11 Paragraph and shall be admissible to the triar of fact.

12 * * *

13 D. The recovery of past medical expenses other than those provided by
 14 Subsection B or C of this Section shall be limited to amounts paid to a medical
 15 provider by or on behalf of the claimant, and amounts remaining owed to a medical
 16 provider, including medical expenses secured by a contractual or statutory privilege,
 17 lien, or guarantee. ~~The determination of this award shall be made only in accordance~~
 18 ~~with Subsection F of this Section.~~ When this paragraph applies, the jury shall be
 19 informed only of the amount billed by a medical provider for medical treatment.
 20 Whether any person has paid or has agreed to pay, in whole or in part, any of a
 21 claimant's medical expenses shall not be disclosed to the jury.

22 * * *

23 ~~F. In a jury trial, only after a jury verdict is rendered may the court receive~~
 24 ~~evidence related to the limitations of recoverable past medical expenses provided by~~
 25 ~~Subsection B or D of this Section. The jury shall be informed only of the amount~~
 26 ~~billed by a medical provider for medical treatment. Whether any person, health~~
 27 ~~insurance issuer, or Medicare has paid or has agreed to pay, in whole or in part, any~~
 28 ~~of a claimant's medical expenses, shall not be disclosed to the jury. In trial to the~~
 29 ~~court alone, the court may consider such evidence.~~

1 ~~G.~~ F. This Section shall not apply in cases brought pursuant to R.S.
 2 40:1231.1 et seq., or 1237.1 et seq to any benefits received by the claimant through
 3 medical payments coverage provided through an auto insurance policy.
 4 Section 2. This Act shall be effective for any cause of action occurring after
 5 January 1, 2025.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____