

2024 Regular Session

SENATE BILL NO. 18

BY SENATOR SEABAUGH

CIVIL PROCEDURE. Provides for collateral sources in civil actions. (8/1/24)

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AN ACT

To amend and reenact R.S. 9:2800.27 and to repeal R.S. 9:2800.27(G), relative to civil actions; to provide relative to the recovery of medical expenses; to provide with respect to limitations of recovery of medical expenses; to provide with respect to evidence of recoverable medical expenses; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

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

* * *

B. 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. ~~The court shall award to the claimant forty percent of the difference between the amount billed and the amount actually paid to the contracted medical~~

1 ~~provider by a health insurance issuer or Medicare in consideration of the claimant's~~
2 ~~cost of procurement, provided that this amount shall be reduced if the defendant~~
3 ~~proves that the recovery of the cost of procurement would make the award~~
4 ~~unreasonable. The determination of this award shall be made only in accordance with~~
5 ~~the provisions of Subsection F of this Section.~~

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7 ~~D. The recovery of past medical expenses other than those provided by~~
8 ~~Subsection B or C of this Section shall be limited to amounts paid to a medical~~
9 ~~provider by or on behalf of the claimant, and amounts remaining owed to a medical~~
10 ~~provider, including medical expenses secured by a contractual or statutory privilege,~~
11 ~~lien, or guarantee. The determination of this award shall be made only in accordance~~
12 ~~with Subsection F of this Section.~~

13 ~~E. In cases where a claimant's medical expenses are paid pursuant to the~~
14 ~~Louisiana Workers' Compensation Law as provided in R.S. 23:1020.1 et seq., a~~
15 ~~claimant's recovery of medical expenses is limited to the amount paid under the~~
16 ~~medical payment fee schedule of the Louisiana Workers' Compensation Law.~~

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

26 ~~G. F. This Section shall not apply in cases brought pursuant to R.S. 40:1231.1~~
27 ~~et seq., or 1237.1 et seq.~~

28 Section 2. R.S. 9:2800.27(G) is hereby repealed.

