SLS 24RS-261

ORIGINAL

2024 Regular Session

SENATE BILL NO. 18

BY SENATOR SEABAUGH

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

1	AN ACT
2	To amend and reenact R.S. 9:2800.27 and to repeal R.S. 9:2800.27(G), relative to civil
3	actions; to provide relative to the recovery of medical expenses; to provide with
4	respect to limitations of recovery of medical expenses; to provide with respect to
5	evidence of recoverable medical expenses; and to provide for related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 9:2800.27 is hereby amended and reenacted to read as follows:
8	§2800.27. Recoverable past medical expenses; collateral sources; limitations;
9	evidence
10	* * *
11	B. In cases where a claimant's medical expenses have been paid, in whole or
12	in part, by a health insurance issuer or Medicare to a contracted medical provider,
13	the claimant's recovery of medical expenses is limited to the amount actually paid
14	to the contracted medical provider by the health insurance issuer or Medicare, and
15	any applicable cost sharing amounts paid or owed by the claimant, and not the
16	amount billed. The court shall award to the claimant forty percent of the difference
17	between the amount billed and the amount actually paid to the contracted medical

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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.
6	* * *
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. <u>E.</u> 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. <u>F.</u> 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.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Hanna Gettys.

SB 18 Original

DIGEST 2024 Regular Session

Seabaugh

<u>Present law</u> (R.S. 9:2800.27) provides that 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 determination of this award shall be made only in accordance with <u>present law</u>. Proposed law deletes this provision of present law.

<u>Present law</u> provides that the recovery of past medical expenses other than those provided for in <u>present law</u> shall be limited to amounts paid to a medical provider by or on behalf of the claimant, and amounts remaining owed to a medical provider, including medical expenses secured by a contractual or statutory privilege, lien, or guarantee. The determination of this award shall be made only in accordance with <u>present law</u>. <u>Proposed law</u> deletes this provision of <u>present law</u>.

<u>Present law</u> provides that in a jury trial, only after a jury verdict is rendered may the court receive evidence related to the limitations of recoverable past medical expenses provided by <u>present law</u>. The jury shall be informed only of the amount billed by a medical provider for medical treatment. Whether any person, health insurance issuer, or Medicare 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. In trial to the court alone, the court may consider such evidence.

<u>Proposed law</u> provides that during trial, all evidence related to the limitations of recoverable past medical expenses provided for in <u>proposed law</u> shall be admissible and considered by the jury.

Effective August 1, 2024.

(Amends R.S. 9:2800.27; repeals R.S. 9:2800.27(G))