SLS 24RS-552 ORIGINAL

2024 Regular Session

SENATE BILL NO. 266

BY SENATORS PRESSLY AND BASS

CIVIL PROCEDURE. Provides for reversionary medical trust. (8/1/24)

AN ACT

1 To enact R.S. 13:4212, relative to civil actions; to provide for reversionary medical trust; 2 and to provide for related matters. Be it enacted by the Legislature of Louisiana: 3 Section 1. R.S. 13:4212 is hereby enacted to read as follows: §4212. Reversionary medical trust 5 A. If a party is held liable for damages for personal injury and the court 6 determines that the claimant is in need of future medical and related benefits 7 in the amount of at least fifty thousand dollars, the court shall order that the 8 9 amount due for future medical care and related benefits be paid through a 10 reversionary medical trust. B. The trust shall be established by the liable party and administered for 11 12 the benefit of claimants entitled to medical care and related benefits that may 13 be incurred subsequent to judgment. Amounts due for medical care and related 14 benefits shall be paid from the reversionary medical trust directly to the 15 provider as they are incurred. In submitting requests for payment, the claimant 16 shall submit the original invoices.

1	C. The trustee shall review all invoices received for future medical care
2	and related benefits, prepare vouchers or warrants, and evaluate and settle
3	claims related to the payment of future medical care and related benefits. The
4	trustee shall have the same fiduciary duties as imposed upon a trustee by the
5	Louisiana Trust Code.
6	D. Upon the death of the claimant or upon the termination of the trust
7	as provided in the trust instrument, any funds remaining in the reversionary
8	trust shall revert to the party that established the trust.
9	E. No provision of this Section shall limit the rights of claimants to
10	contract with respect to attorney fees and costs.
11	F. "Reversionary medical trust" means a trust established for the
12	exclusive benefit of the claimant to pay the medical care and related benefits as
13	they accrue, including without limitation reasonable and necessary amounts for
14	all diagnosis, cure, mitigation, or treatment of any disease or condition from
15	which the injured person suffers as a result of the injuries, and the sequelae
16	thereof, sustained by the claimant on the date the injury was sustained.

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

DIGEST 2024 Regular Session

Pressly

<u>Proposed law</u> requires the use of a reversionary medical trust for the payment of future medical and related expenses in the amount of \$50,000 or greater. <u>Proposed law</u> defines "reversionary medical trust".

<u>Proposed law</u> requires that the liable party establish the trust and the claimant shall submit original invoices, which the trustee shall review for payment. The trustee shall also prepare vouchers or warrants and evaluate and settle claims related to the payment of future medical care and related benefits. The trustee shall have the same fiduciary duties as imposed upon a trustee by the La. Trust Code.

<u>Proposed law</u> provides that upon the death of the claimant or upon the termination of the trust as provided in the trust instrument, any funds remaining in the reversionary trust shall revert to the party that established the trust.

<u>Proposed law</u> does not limit a claimant's ability to contract with respect to attorney fees and costs.

Effective August 1, 2024.

SB 266 Original

(Adds R.S. 13:4212)