

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 2164

By: McCullough

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5  
6 AS INTRODUCED

7 An Act relating to civil procedure; amending 12 O.S.  
8 2011, Section 3009.1, which relates to admissibility  
9 of medical expenses; clarifying language; admitting  
10 statement of amount paid instead of amount billed in  
11 certain cases; requiring certain Medicare  
12 reimbursement statement to be admitted; modifying  
13 applicability; and providing an effective date.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 12 O.S. 2011, Section 3009.1, is  
16 amended to read as follows:

17 Section 3009.1 A. Upon the trial of any civil ~~case involving~~  
18 action arising from personal injury, the actual amounts paid for any  
19 doctor bills, hospital bills, ambulance service bills, drug bills  
20 and similar bills for expenses incurred in the treatment of the  
21 party shall be the amounts admissible at trial, not the amounts  
22 billed for expenses incurred in the treatment of the party. If, in  
23 addition to evidence of payment, there is a ~~signed~~ statement  
24 acknowledged by the medical provider or an authorized representative

1 that the provider ~~in consideration of the patient's efforts to~~  
2 ~~collect the funds to pay the provider,~~ will accept the amount paid  
3 as full payment of the obligations, the statement is ~~also~~ admitted  
4 instead of the amount billed. The statement shall be part of the  
5 record as an exhibit but need not be shown to the jury. ~~Provided,~~  
6 ~~if~~ If a medical provider has filed a lien in the case for an amount  
7 in excess of the amount paid, then bills in excess of the amount  
8 paid but not more than the amount of the lien shall be admissible.

9 B. If no payment has been made, the Medicare reimbursement  
10 rates in effect when the personal injury occurred shall be  
11 admissible if, in addition to evidence of nonpayment, there is a  
12 signed statement acknowledged by the medical provider or an  
13 authorized representative that the provider, ~~in consideration of the~~  
14 ~~patient's efforts to collect the funds to pay the provider,~~ will  
15 accept payment at the Medicare reimbursement rate less cost of  
16 recovery as provided in Medicare regulations as full payment of the  
17 obligation ~~is also,~~ and the statement shall be admitted. The  
18 statement shall be part of the record as an exhibit but need not be  
19 shown to the jury. ~~Provided, if~~ If a medical provider has filed a  
20 lien in the case for an amount in excess of the Medicare rate, then  
21 bills in excess of the amount of the Medicare rate but not more than  
22 the amount of the lien shall be admissible.

23 ~~B.~~ C. This section shall apply to civil cases involving  
24 personal injury filed on or after November 1, ~~2011~~ 2015.

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SECTION 2. This act shall become effective November 1, 2015.

55-1-5528           EK           12/23/14