

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 2409

By: Kannady

4
5
6 AS INTRODUCED

7 An Act relating to civil procedure; amending 12 O.S.
8 2011, Section 3009.1, as amended by Section 1,
9 Chapter 337, O.S.L. 2015 (12 O.S. Supp. 2018, Section
10 3009.1), which relates to personal injury lawsuits;
11 providing for admissibility of billing amounts in
12 certain circumstances; providing date of application;
13 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, as
16 amended by Section 1, Chapter 337, O.S.L. 2015 (12 O.S. Supp. 2018,
17 Section 3009.1), is amended to read as follows:

18 Section 3009.1 A. Upon the trial of any civil action arising
19 from personal injury, the actual amounts paid for any services in
20 the treatment of the injured party, including doctor bills, hospital
21 bills, ambulance service bills, drug and other prescription bills,
22 and similar bills shall be the amounts admissible at trial, not the
23 amounts billed for such expenses incurred in the treatment of the
24 party except as provided in subsection D of this section. If, in
addition to evidence of payment, a party submits a signed statement

1 acknowledged by the medical provider or an authorized representative
2 or sworn testimony that the provider will accept the amount paid as
3 full payment of the obligations, the statement or testimony shall be
4 admitted into evidence. The statement or testimony shall be part of
5 the record as an exhibit but need not be shown to the jury. If a
6 medical provider has filed a lien in the case for an amount in
7 excess of the amount paid, then the 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, not the amounts
11 billed except as provided in subsection D of this section, shall be
12 admissible if, in addition to evidence of nonpayment, a party
13 submits a signed statement acknowledged by the medical provider or
14 an authorized representative or sworn testimony that the provider
15 will accept payment at the Medicare reimbursement rate less cost of
16 recovery as provided in Medicare regulations as full payment of the
17 obligation. The statement or testimony shall be admitted into
18 evidence and shall be part of the record as an exhibit but need not
19 be shown to the jury. If a medical provider has filed a lien in the
20 case for an amount in excess of the Medicare rate, then the bills in
21 excess of the amount of the Medicare rate, but not more than the
22 amount of the lien, shall be admissible.

23 C. If no bills have been paid, or no statement acknowledged by
24 the medical provider or sworn testimony as provided in subsections A

1 and B of this section is provided to the opposing party and listed
2 as an exhibit by the final pretrial hearing, then the amount billed
3 shall be admissible at trial subject to the limitations regarding
4 any lien filed in the case.

5 D. This Notwithstanding the provisions of subsections A and B
6 of this section, the amount billed shall be admissible in addition
7 to the amount paid if expert testimony is provided by the party
8 seeking to admit the billed amount that demonstrates the amount
9 billed was reasonable for necessary medical care.

10 E. Subsections A, B and C of this section shall apply to civil
11 actions arising from personal injury filed on or after November 1,
12 2015. Subsection D of this section shall apply to civil actions
13 arising from personal injury filed on or after November 1, 2019.

14 SECTION 2. This act shall become effective November 1, 2019.

15
16
17
18
19
20
21
22
23
24

57-1-5119 SD 12/17/18