

1 **SENATE FLOOR VERSION**

2 February 24, 2015

3 SENATE BILL NO. 789

By: Sykes of the Senate

4 and

5 Grau of the House

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7
8 An Act relating to admissibility of medical bills;
9 amending 12 O.S. 2011, Section 3009.1, which relates
10 to personal injury suits; clarifying admissibility of
11 certain amounts; modifying applicability of
12 provisions; and providing an effective date.

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

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

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

1 ~~patient's efforts to collect the funds to pay the provider,~~ will
2 accept the amount paid instead of the amount billed as full payment
3 of the ~~obligations~~ obligation is ~~also~~ admitted. ~~The,~~ the statement
4 shall be part of the record as an exhibit but need not be shown to
5 the jury. ~~Provided, if~~ If a medical provider has filed a lien in
6 the case for an amount in excess of the amount paid, ~~then~~ bills in
7 excess of the amount paid but not more than the amount of the lien
8 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, a signed
12 statement acknowledged by the medical provider or an authorized
13 representative that the provider, ~~in consideration of the patient's~~
14 ~~efforts to collect the funds to pay the provider,~~ will accept
15 payment at the Medicare reimbursement rate less cost of recovery as
16 provided in Medicare regulations as full payment of the obligation
17 is ~~also~~ admitted. The statement shall be part of the record as an
18 exhibit but need not be shown to the jury. ~~Provided, if~~ If a
19 medical provider has filed a lien in the case for an amount in
20 excess of the Medicare rate, ~~then~~ bills in excess of the amount of
21 the Medicare rate but not more than the amount of the lien shall be
22 admissible.

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1 B. This section shall apply to civil ~~cases involving~~ actions
2 arising from personal injury filed on or after November 1, ~~2011~~
3 2015.

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

5 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
6 February 24, 2015 - DO PASS
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