

1 ENGROSSED SENATE  
2 BILL NO. 789

By: Sykes of the Senate

3 and

4 Grau of the House

5  
6 An Act relating to admissibility of medical bills;  
7 amending 12 O.S. 2011, Section 3009.1, which relates  
8 to personal injury suits; clarifying admissibility of  
9 certain amounts; modifying applicability of  
10 provisions; and providing an effective date.

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

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

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

1 of the ~~obligations~~ obligation is ~~also~~ admitted. ~~The,~~ the statement  
2 shall be part of the record as an exhibit but need not be shown to  
3 the jury. ~~Provided, if~~ If a medical provider has filed a lien in  
4 the case for an amount in excess of the amount paid, ~~then~~ bills in  
5 excess of the amount paid but not more than the amount of the lien  
6 shall be admissible.

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

21 B. This section shall apply to civil ~~eases involving~~ actions  
22 arising from personal injury filed on or after November 1, ~~2011~~  
23 2015.

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

