

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 55th Legislature (2015)

4 COMMITTEE SUBSTITUTE  
5 FOR ENGROSSED  
6 SENATE BILL NO. 789

By: Sykes of the Senate

and

Grau of the House

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10                                   COMMITTEE SUBSTITUTE

11                   An Act relating to civil procedure; amending 12 O.S.  
12                   2011, Section 3009.1, which relates to admissibility  
13                   of medical expenses; clarifying admissibility of  
14                   amounts paid for services in treatment of the injured  
15                   party; providing for sworn testimony; requiring  
16                   admissibility of amount billed in specified  
17                   instances; providing limitation for liens filed;  
18                   modifying applicability of provisions; and providing  
19                   an effective date.

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

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

Section 3009.1 A. Upon the trial of any civil ~~ease involving~~  
action arising from personal injury, the actual amounts paid for any  
services in the treatment of the injured party, including doctor  
bills, hospital bills, ambulance service bills, drug and other

1 prescription bills, and similar bills ~~for expenses incurred in the~~  
2 ~~treatment of the party~~ shall be the amounts admissible at trial, not  
3 the amounts billed for such expenses incurred in the treatment of  
4 the party. If, in addition to evidence of payment, a party submits  
5 a signed statement acknowledged by the medical provider or an  
6 authorized representative or sworn testimony that the provider ~~in~~  
7 ~~consideration of the patient's efforts to collect the funds to pay~~  
8 ~~the provider,~~ will accept the amount paid as full payment of the  
9 obligations ~~is also admitted,~~ the statement or testimony shall be  
10 admitted into evidence. The statement or testimony shall be part of  
11 the record as an exhibit but need not be shown to the jury.  
12 ~~Provided, if~~ If a medical provider has filed a lien in the case for  
13 an amount in excess of the amount paid, then the bills in excess of  
14 the amount paid, but not more than the amount of the lien, shall be  
15 admissible.

16 B. If no payment has been made, the Medicare reimbursement  
17 rates in effect when the personal injury occurred, not the amounts  
18 billed, shall be admissible if, in addition to evidence of  
19 nonpayment, a party submits a signed statement acknowledged by the  
20 medical provider or an authorized representative or sworn testimony  
21 that the provider, ~~in consideration of the patient's efforts to~~  
22 ~~collect the funds to pay the provider,~~ will accept payment at the  
23 Medicare reimbursement rate less cost of recovery as provided in  
24 Medicare regulations as full payment of the obligation ~~is also~~

1 ~~admitted.~~ The statement or testimony shall be admitted into  
2 evidence and shall be part of the record as an exhibit but need not  
3 be shown to the jury. ~~Provided, if~~ If a medical provider has filed  
4 a lien in the case for an amount in excess of the Medicare rate,  
5 then the bills in excess of the amount of the Medicare rate, but not  
6 more than the amount of the lien, shall be admissible.

7 B. C. If no bills have been paid, or no statement acknowledged  
8 by the medical provider or sworn testimony as provided in  
9 subsections A and B of this section is provided to the opposing  
10 party and listed as an exhibit by the final pretrial hearing, then  
11 the amount billed shall be admissible at trial subject to the  
12 limitations regarding any lien filed in the case.

13 D. This section shall apply to civil ~~eases involving~~ actions  
14 arising from personal injury filed on or after November 1, ~~2011~~  
15 2015.

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

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18 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND CIVIL PROCEDURE,  
19 dated 04/01/2015 - DO PASS, As Amended.  
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