

An Act

ENROLLED SENATE
BILL NO. 789

By: Sykes of the Senate

and

Grau of the House

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

SUBJECT: Admissibility of medical bills

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 ~~case 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 prescription bills, and similar bills ~~for expenses incurred in the treatment of the party~~ shall be the amounts admissible at trial, not the amounts billed for such expenses incurred in the treatment of the party. If, in addition to evidence of payment, a party submits a signed statement acknowledged by the medical provider or an authorized representative or sworn testimony that the provider ~~is~~

~~consideration of the patient's efforts to collect the funds to pay the provider,~~ will accept the amount paid as full payment of the obligations ~~is also admitted,~~ the statement or testimony shall be admitted into evidence. The statement or testimony shall be part of the record as an exhibit but need not be shown to the jury. ~~Provided, if~~ If a medical provider has filed a lien in the case for an amount in excess of the amount paid, then the bills in excess of the amount paid, but not more than the amount of the lien, shall be admissible.

B. If no payment has been made, the Medicare reimbursement rates in effect when the personal injury occurred, not the amounts billed, shall be admissible if, in addition to evidence of nonpayment, a party submits a signed statement acknowledged by the medical provider or an authorized representative or sworn testimony that the provider, ~~in consideration of the patient's efforts to collect the funds to pay the provider,~~ will accept payment at the Medicare reimbursement rate less cost of recovery as provided in Medicare regulations as full payment of the obligation ~~is also admitted.~~ The statement or testimony shall be admitted into evidence and shall be part of the record as an exhibit but need not be shown to the jury. ~~Provided, if~~ If a medical provider has filed a lien in the case for an amount in excess of the Medicare rate, then the bills in excess of the amount of the Medicare rate, but not more than the amount of the lien, shall be admissible.

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

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

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

Passed the Senate the 18th day of May, 2015.

Presiding Officer of the Senate

Passed the House of Representatives the 23rd day of April, 2015.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____