
DIGEST

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HB 790 Original

2020 Regular Session

Davis

Abstract: Requires testifying healthcare providers to submit evidence of amounts received in payment of services rendered or testimony provided, requires a claimant to submit invoices for medical expenses to an adverse party for payment at the adverse party's discretion, and requires the use of a reversionary medical trust for the payment of future medical expenses in excess of \$50,000.

Payments received by a healthcare provider

Proposed law requires that in a personal injury claim, a healthcare provider offering evidence on the injuries or required treatment of an injured party submit into evidence the amount of any payment anticipated or received on behalf of the injured party for services rendered or testimony provided and the total amount of payments received in the previous four years for testimony provided or services rendered to a party involved in a personal injury case wherein the healthcare provider testified.

Proposed law further provides that any payment received by an entity in which an individual healthcare provider has an ownership interest shall be deemed to have been received fully by the healthcare provider individually.

Payment of medical expenses by an adverse party

Proposed law provides that when an injured person makes written demand on another seeking reimbursement of medical and related expenses incurred due to personal injury, the injured person shall present all invoices for medical and related expenses received or outstanding on or after the date demand is made.

Proposed law allows the adverse party to make payment directly to the invoicing medical provider within 60 days of the receipt of the invoice. If the adverse party does not make payment within 60 days, the injured person may thereafter make payment.

Proposed law further provides that any payment made by the adverse party shall not be an admission of liability.

Reversionary medical trust

Proposed law requires the use of a reversionary medical trust for the payment of future medical and related expenses in the amount of \$50,000 or greater. Proposed law defines "reversionary medical

trust."

Proposed law requires that the liable party establish the trust and the claimant shall submit original invoices, which the trustee shall review for payment. The trustee shall also prepare vouchers or warrants and evaluate and settle claims related to the payment of future medical care and related benefits. The trustee shall have the same fiduciary duties as imposed upon a trustee by the Louisiana Trust Code.

Proposed law provides that upon the death of the claimant or upon the termination of the trust as provided in the trust instrument, any funds remaining in the reversionary trust shall revert to the party that established the trust.

Proposed law does not limit a claimant's ability to contract with respect to attorney fees and costs.

(Adds C.E. Art. 607(E) and R.S. 9:2800.25, and R.S. 13:4212)