

2025 Regular Session

HOUSE BILL NO. 34

BY REPRESENTATIVE GLORIOSO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CIVIL/LAW: Provides for transparency in medical expenses

1 AN ACT

2 To amend and reenact R.S. 9:2800.27, relative to recoverable medical expenses; to provide
3 for definitions; to provide for the calculation of certain damages; to repeal certain
4 limitations on admissible evidence; to provide for prospective application; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 9:2800.27 is hereby amended and reenacted to read as follows:

8 §2800.27. Recoverable past medical expenses; collateral sources; limitations;
9 evidence

10 A. For the purpose of this Section:

11 ~~(1) "Contracted medical provider" means any in-network medical provider~~
12 ~~that has entered into a contract or agreement directly with a health insurance issuer~~
13 ~~or with a health insurance issuer through a network of providers for the provision of~~
14 ~~covered healthcare services at a pre-negotiated rate, or any medical provider that has~~
15 ~~billed and received payment for covered healthcare services from Medicare when the~~
16 ~~provider is a participating provider in those programs.~~

17 ~~(2) "Cost of procurement" means the cost paid by or on behalf of the~~
18 ~~claimant to procure the benefit paid by a health insurance issuer or Medicare and the~~
19 ~~cost of procurement of the award of medical expenses, including but not limited to~~
20 ~~contracted attorney fees and health insurance premiums paid.~~

1 ~~(3)~~ (1) "Cost sharing" means copayments, coinsurance, deductibles, and any
2 other amounts which have been paid or are owed by the claimant to a medical
3 provider.

4 ~~(4)~~ "Health insurance issuer" means any health insurance coverage through
5 a policy or certificate of insurance subject to regulation of insurance under state law,
6 a health maintenance organization, an employer-sponsored health plan, the Office
7 of Group Benefits, or an equivalent federal or state health plan.

8 ~~(5)~~ (2) "Medical provider" means any healthcare provider, hospital,
9 ambulance service, or their heirs or assignees.

10 ~~B. In cases where a claimant's medical expenses have been paid, in whole~~
11 ~~or in part, by a health insurance issuer or Medicare to a contracted medical provider,~~
12 ~~the claimant's recovery of medical expenses is limited to the amount actually paid~~
13 ~~to the contracted medical provider by the health insurance issuer or Medicare, and~~
14 ~~any applicable cost sharing amounts paid or owed by the claimant, and not the~~
15 ~~amount billed. The court shall award to the claimant forty percent of the difference~~
16 ~~between the amount billed and the amount actually paid to the contracted medical~~
17 ~~provider by a health insurance issuer or Medicare in consideration of the claimant's~~
18 ~~cost of procurement, provided that this amount shall be reduced if the defendant~~
19 ~~proves that the recovery of the cost of procurement would make the award~~
20 ~~unreasonable. The determination of this award shall be made only in accordance with~~
21 ~~the provisions of Subsection F of this Section.~~

22 ~~C.~~ B. In cases where a claimant's medical expenses have been paid, in whole
23 or in part, by Medicaid to a medical provider, the claimant's recovery of medical
24 expenses actually paid by Medicaid is limited to the amount actually paid to the
25 medical provider by Medicaid, and any applicable cost sharing amounts paid or
26 owed by the claimant, and not the amount billed.

27 ~~D.~~ The recovery of past medical expenses other than those provided by
28 Subsection B or C of this Section shall be limited to amounts paid to a medical
29 provider by or on behalf of the claimant, and amounts remaining owed to a medical

1 provider, including medical expenses secured by a contractual or statutory privilege,
2 lien, or guarantee. The determination of this award shall be made only in accordance
3 with Subsection F of this Section.

4 E. C. In cases where a claimant's medical expenses are paid pursuant to the
5 Louisiana Workers' Compensation Law as provided in R.S. 23:1020.1 et seq., a
6 claimant's recovery of medical expenses is limited to the amount paid under the
7 medical payment fee schedule of the Louisiana Workers' Compensation Law.

8 F. ~~In a jury trial, only after a jury verdict is rendered may the court receive
9 evidence related to the limitations of recoverable past medical expenses provided by
10 Subsection B or D of this Section. The jury shall be informed only of the amount
11 billed by a medical provider for medical treatment. Whether any person, health
12 insurance issuer, or Medicare has paid or has agreed to pay, in whole or in part, any
13 of a claimant's medical expenses, shall not be disclosed to the jury. In trial to the
14 court alone, the court may consider such evidence.~~

15 D. Except as provided by Subsections B and C of this Section, any party at
16 trial may introduce evidence of either the amount billed or the amount paid to
17 establish the basis for an award for medical expenses. Any party may introduce
18 expert testimony to establish or refute the reasonableness of medical expenses sought
19 to be recovered by the claimant. Any agreement between a healthcare provider and
20 a third party responsible for the financing or collection of medical expenses shall be
21 admissible as evidence. The trier of fact shall make a determination of the amount
22 of medical expenses to award, if any, after all evidence has been presented.

23 G. E. This Section shall not apply in cases brought pursuant to R.S.
24 40:1231.1 et seq. or 1237.1 et seq.

25 Section 2. The provisions of this Act shall become effective on January 1, 2026.

26 Section 3. The provisions of this Act shall have prospective application only and
27 shall not apply to causes of action filed prior to the effective date of this Act.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 34 Original

2025 Regular Session

Glorioso

Abstract: Provides relative to medical expenses that may be recovered at trial.

Present law defines "contracted medical provider", "cost of procurement", and "health insurance issuer".

Proposed law removes the definitions of "contracted medical provider", "cost of procurement", and "health insurance issuer" from present law.

Present law provides that in cases where a claimant's medical expenses have been paid by a health insurance issuer or Medicare, the claimant's recovery of medical expenses is limited to the amount actually paid to the contracted medical provider and not the amount billed. The claimant is awarded 40% of the difference between the amount billed and the amount paid to the contracted medical provider in consideration of the claimant's cost of procurement provided that the amount shall be reduced if the defendant proves that the recovery would make the award unreasonable.

Proposed law repeals present law.

Present law provides that the recovery of medical expenses other than those paid by Medicare, Medicaid, or a health insurance issuer shall be limited to amounts paid to a medical provider by or on behalf of the claimant and amounts owed to a medical provider.

Proposed law repeals present law.

Present law provides that in a jury trial after a jury verdict is rendered the court may receive evidence related to the limitations of recoverable past medical expenses. The jury shall be informed only of the amount billed by a medical provider and whether any person, health insurance issuer, or Medicare has paid, or agreed to pay, any of a claimant's medical expenses shall not be disclosed to the jury.

Proposed law repeals present law.

Proposed law provides that any party at trial may introduce evidence of either the amount billed or the amount paid to establish the basis for an award for medical expenses and any party may introduce expert testimony to establish or refute the reasonableness of medical expenses sought to be recovered by the claimant.

Proposed law provides that any agreement between a healthcare provider and a third party responsible for the financing or collection of medical expenses shall be admissible as evidence.

Proposed law provides that the trier of fact shall make a determination of the amount of medical expenses to award, if any, after all evidence has been presented.

(Amends R.S. 9:2800.27)