

**SENATE COMMITTEE AMENDMENTS**

2025 Regular Session

Amendments proposed by Senate Committee on Judiciary A to Original Senate Bill No. 231  
by Senator Reese

AMENDMENT NO. 1

On page 1, line 2, delete "and to repeal R.S. 9:2800.27(F) and (G)" and insert "and to enact R.S. 9:2800.27(H)"

AMENDMENT NO. 2

On page 1, line 8, after "certain circumstances;" delete the remainder of the line and insert the following:

"to provide relative to admissibility of evidence; to provide relative to automobile liability insurance that provides for medical payments coverage; to provide relative to attorney-negotiated write-offs or discounts for medical expenses; to provide relative to write-offs or discounts provided by a medical provider; to provide related to consideration; to provide relative to attorney fees;"

AMENDMENT NO. 3

On page 1, delete lines 9 and 10

AMENDMENT NO. 4

On page 1, line 14, after "and reenacted" insert "and R.S. 9:2800.27(H) is hereby enacted"

AMENDMENT NO. 5

On page 1, line 15, change "~~past~~" to "past" and "~~limitations;~~" to "limitations;"

AMENDMENT NO. 6

On page 2, delete lines 1 through 10 and insert the following:

"(1) "Contracted medical provider" means any in-network medical provider that has entered into a contract or agreement directly with a health insurance issuer or with a health insurance issuer through a network of providers for the provision of covered healthcare services at a pre-negotiated rate, or any medical provider that has billed and received payment for covered healthcare services from Medicare when the provider is a participating provider in those programs.  
(2) "Cost of procurement" means the cost paid by or on behalf of the claimant to procure the benefit paid by a health insurance issuer or Medicare and the cost of procurement of the award of medical expenses, including but not limited to contracted attorney fees and health insurance premiums paid."

AMENDMENT NO. 7

On page 2, line 11, change "~~(3)~~" to "(3)"

AMENDMENT NO. 8

On page 2, between lines 13 and 14, insert the following:

"(4) "Health care provider" means a physician or health care practitioner licensed, certified, and registered to perform specified health care services in accordance with the applicable law and any facility or institution providing health care services, including but not limited to a hospital, licensed

inpatient center, ambulatory, surgical, or treatment center, skilled nursing facility, inpatient hospice facility, residential treatment center, diagnostic laboratory or imaging center, or rehabilitation or therapeutic health setting.  
(5) "Health insurance coverage" means benefits consisting of health care services provided through insurance, or reimbursement, which includes items and services paid for as health care services under any hospital or medical service policy or certificate, hospital or medical service plan contract, preferred provider organization agreement, or health maintenance organization contract offered by a private health insurer, the Office of Group Benefits, Medicare, Medicaid, Louisiana Workers' Compensation Law, or equivalent state health plans."

AMENDMENT NO. 9

On page 2, line 14, delete "~~(4)~~(2)" and insert "(6)"

AMENDMENT NO. 10

On page 2, delete lines 18 through 25

AMENDMENT NO. 11

On page 2, line 26, change "~~(5)~~(4)" to "~~(5)~~(7)"

AMENDMENT NO. 12

On page 2, delete lines 28 and 29

AMENDMENT NO. 13

On page 3, delete lines 1 through 17 and insert the following:

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

AMENDMENT NO. 14

On page 3, line 18, change "€." to "C."

AMENDMENT NO. 15

On page 3, delete lines 23 through 28 and insert the following:

"D. The recovery of past medical expenses other than those provided by Subsection B or C of this Section shall be limited to amounts paid to a medical provider by or on behalf of the claimant, and amounts remaining owed to a medical provider, including medical expenses secured by a contractual or statutory privilege, lien, or guarantee. The determination of this award shall be made only in accordance with Subsection F of this Section, but shall not exceed three hundred percent of the Medicare fee schedule for services."

1    AMENDMENT NO. 16

2    On page 3, line 29, change "~~E.C.~~" to "E."

3    AMENDMENT NO. 17

4    On page 4, delete lines 4 through 17 and insert the following:

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

13              **G. The recovery of medical expenses by a claimant shall not include**  
14   **attorney-negotiated write-offs or discounts for medical expenses obtained as a**  
15   **product of the litigation process. Attorney fees paid by the claimant to recover**  
16   **medical expenses shall not be deemed consideration that diminishes a claimant's**  
17   **patrimony.**"

18   AMENDMENT NO. 18

19   On page 4, line 18, change "~~G.E.~~" to "~~G.H.~~"

20   AMENDMENT NO. 19

21   On page 4, line 19, after "et seq." delete the remainder of the line and insert:

22               "or 1237.1 et seq. , **or to any benefits received by a party through a policy**  
23   **of automobile liability insurance that provides for medical payments coverage.**"