

## RÉSUMÉ DIGEST

ACT 466 (SB 231)

2025 Regular Session

Reese

Existing law (R.S. 9:2800.27) provides that certain medical expenses are recoverable and provides limitation on admissibility of evidence related to recoverable past medical expenses.

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

New law retains existing law, but removes the definition of "cost of procurement".

Existing law provides that 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.

New law retains existing law.

Prior law provided that the court shall award to the claimant 40% 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. Provided that the determination of this award shall be made only as provided by prior law.

New law repeals prior law.

Existing law provides that in cases where a claimant's medical expenses have been paid, in whole or in part, by Medicaid to a medical provider, the claimant's recovery of medical expenses actually paid by Medicaid is limited to the amount actually paid to the medical provider by Medicaid, and any applicable cost sharing amounts paid or owed by the claimant, and not the amount billed.

New law retains existing law.

Prior law provided that the recovery of past medical expenses other than those provided by prior law 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. Prior law provided that the determination of the award shall be made only in accordance with prior law.

New law repeals prior law.

Existing law provides that in cases where a claimant's medical expenses are paid pursuant to the Louisiana Workers' Compensation Law as provided in existing law, a claimant's recovery of medical expenses is limited to the amount paid under the medical payment fee schedule of existing law.

New law retains existing law.

Prior law provided that in a jury trial, only after a jury verdict is rendered may the court receive evidence related to the limitations of recoverable past medical expenses provided by prior law. Prior law further provided that the jury shall be informed only of the amount billed by a medical provider for medical treatment. Prior law provided that whether any person, health insurance issuer, or Medicare has paid or has agreed to pay, in whole or in part, any of a claimant's medical expenses, shall not be disclosed to the jury, but that in trial to the court alone, the court may consider such evidence.

New law repeals prior law.

New law provides that in a trial to recover past medical expenses provided by a health insurance issuer or Medicare to a contracted medical provider, the trier of fact shall be

informed of the amounts billed and amounts actually paid for medical expenses that have been incurred by the claimant.

New law provides that the recovery of past medical expenses other than those provided by new law shall include the amounts paid to a medical provider by or on behalf of the claimant, and the amounts remaining owed to a medical provider, including medical expenses secured by a contractual or statutory privilege, lien, or guarantee.

New law provides that in cases where the attorney for the claimant has entered into a pre-negotiated agreement with a medical provider of the claimant whereby the medical provider has agreed to accept as full compensation an amount less than the amount billed, a claimant's recovery of medical expenses shall be limited to the amount actually paid pursuant to the pre-negotiated agreement, and any applicable cost sharing amounts paid or owed by the claimant.

Existing law provides that existing law shall not apply in cases brought pursuant to existing law governing Medical Malpractice and Malpractice Liability for State Services.

New law retains existing law and adds that new law shall not apply to any benefits received by a party through a policy of automobile liability insurance that provides for medical payments coverage.

New law provides that the provisions of new law shall have prospective application only and shall not apply to causes of action filed prior to the effective date of new law.

Effective on January 1, 2026.

(Amends R.S. 9:2800.27)