
DIGEST

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HB 1002 Original

2026 Regular Session

Carlson

Abstract: Provides relative to recoverable medical expenses and admissibility of evidence.

Proposed law (R.S. 9:2800.27(I)(1)) limits evidence when a claimant obtains medical treatment under a letter of protection or does not submit charges to a health insurance issuer. Requires that evidence be limited to the amount the claimant's health insurance issuer would have paid to satisfy the past unpaid medical charges, plus the claimant's share of medical expenses, had the claimant obtained medical treatment under his health insurance coverage.

Proposed law (R.S. 9:2800.27(I)(2)) provides that if the claimant obtains medical treatment under a letter of protection and the healthcare provider transfers the right to payment to a third party, the claimant's recovery is limited to the amount the third party agreed to pay. Further requires that evidence be limited to the amount paid.

Proposed law (R.S. 9:2800.27(J)(1)) requires a claimant to make reasonable efforts to mitigate damages and further provides that the recovery of medical expenses is limited to the reasonable expenses related to the claim.

Proposed law authorizes any party to introduce expert testimony at trial to establish or refute the reasonableness of medical expenses sought to be recovered by the claimant.

Proposed law (R.S. 9:2800.27(J)(2)) requires all charges for the claimant's medical and healthcare expenses to be itemized and coded according to generally accepted medical billing practices to the extent possible.

Proposed law does not limit the right of a claimant or defendant to present evidence or testimony challenging the reasonableness of medical and healthcare expenses, whether incurred or projected future expenses, or the medical necessity of any treatment.

(Adds R.S. 9:2800.27(I)-(K))