

2020 Regular Session

SENATE BILL NO. 266

BY SENATOR TALBOT

LIABILITY. Provides relative to medical expenses paid by a collateral source. (8/1/20)

1 AN ACT

2 To enact R.S. 9:2800.25, relative to civil liability and damages; to provide relative to
3 payments from collateral sources; to prohibit the court from awarding a plaintiff the
4 amount of medical expenses reduced or paid by a collateral source; and to provide
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 9:2800.25 is hereby enacted to read as follows:

8 **§2800.25. Recoverable medical expenses; collateral sources; limitations**

9 **A.(1) Reductions in medical bills based upon the write-offs or**
10 **write-downs by insurance companies or Medicare are not collateral sources and**
11 **are not recoverable as damages in civil litigation. In cases where a plaintiff's**
12 **medical expenses have been paid by a health insurance company or Medicare,**
13 **the plaintiff's recovery of medical expenses is limited to the amount actually**
14 **paid to the healthcare provider by the insurer or Medicare, and not the amount**
15 **billed.**

16 **(2) If a plaintiff does not submit medical bills to an available health**
17 **insurer or Medicare for payment, plaintiff's recovery is limited to the amount**

1 that would have been paid by the insurer or Medicare had the medical bills
2 been submitted to the insurer or Medicare for payment.

3 B.(1) In cases where a plaintiff's medical expenses are paid pursuant to
4 the Workers' Compensation Law as provided in R.S. 23:1020.1 et seq., a
5 plaintiff's recovery of medical expenses is limited to the amount payable under
6 the medical payments fee schedule of the Workers' Compensation Law.

7 (2) If a plaintiff chooses not to submit medical expenses for payment
8 pursuant to the Workers' Compensation Law, and the medical expenses were
9 eligible for payment under the Workers' Compensation Law, then the plaintiff's
10 recovery of damages for medical expenses is limited to the amount that would
11 have been payable had the medical expenses been submitted for payment under
12 the provisions of the Workers' Compensation Law.

13 C. In an action for damages where a person suffers injury, death, or loss,
14 the court may receive evidence concerning any amount which has been paid or
15 contributed as of the date it enters judgment, by or on behalf of, the claimant
16 or members of his immediate family to secure his right to any private insurance
17 benefit which he has received as a result of such injury or death.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Margaret M. Corley.

DIGEST

SB 266 Original

2020 Regular Session

Talbot

Proposed law provides that reductions in medical bills based upon the write-offs or write-downs by insurance companies or Medicare are not collateral sources and are not recoverable as damages in civil litigation.

Proposed law provides that when a plaintiff's medical expenses have been paid by a health insurance company or Medicare, plaintiff's recovery of medical expenses is limited to the amount actually paid to the healthcare provider by the insurer or Medicare, and not the amount billed.

Proposed law provides that if the plaintiff pays the medical expenses directly to the healthcare provider when health insurance is available, recovery is limited to the amount that would have been paid by the insurer or Medicare.

Proposed law provides that payment for medical expenses is limited to the amount payable pursuant to the fee schedule of the present law Workers' Compensation Law when that present law is applicable, and provides that if the plaintiff pays those expenses directly to the healthcare provider, the plaintiff's recovery for medical expenses is limited to the amount

that would have been paid pursuant to the Workers' Compensation Law fee schedule.

Proposed law provides that in an action for damages where a person suffers injury, death, or loss, the court may receive evidence concerning any amount which has been paid or contributed as of the date it enters judgment, by or on behalf of, the claimant or members of his immediate family to secure his right to any private insurance benefit which he has received as a result of such injury or death.

Effective August 1, 2020.

(Adds R.S. 9:2800.25)