SLS 20RS-562

ORIGINAL

2020 Regular Session

SENATE BILL NO. 408

BY SENATOR TALBOT

LIABILITY. Provides relative to medical expenses paid in workers' compensation claims. (8/1/20)

1	AN ACT
2	To enact R.S. 9:2800.25, relative to compensation for medical expenses incurred; to provide
3	for medical expenses recoverable as damages in civil litigation; to provide for
4	limitations in the amount of damages recoverable; to provide for applicability to
5	workers' compensation claims; and to provide 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; workers' compensation; collateral
9	sources; limitations
10	A.(1) In cases where a plaintiff's medical expenses are paid pursuant to
11	the Workers' Compensation Law as provided in R.S. 23:1020.1 et seq., a
12	plaintiff's recovery of medical expenses is limited to the amount payable under
13	the medical payments reimbursement schedule of the Workers' Compensation
14	Law.
15	(2) If a plaintiff chooses not to submit medical expenses for payment
16	pursuant to the Workers' Compensation Law, and the medical expenses were
17	eligible for payment under the Workers' Compensation Law, then the plaintiff's

Page 1 of 2 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1	recovery of damages for medical expenses is limited to the amount that would
2	have been payable had the medical expenses been submitted for payment under
3	the provisions of the Workers' Compensation Law.
4	B. In an action for damages where a person suffers injury, death, or loss,
5	the court may receive evidence concerning any amount which has been paid or
6	contributed as of the date it enters judgment, by or on behalf of, the claimant
7	or members of his immediate family to secure his right to any private insurance
8	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 Yoursheka George.

SB 408 Original

DIGEST 2020 Regular Session

Talbot

<u>Present law</u> provides for a reimbursement schedule in the La. Workers' Compensation Law for drugs, supplies, hospital care and services, medical care and surgical treatment, and any nonmedical treatment recognized by law.

<u>Proposed law</u> provides that payment for medical expenses is limited to the amount payable under the reimbursement schedule provided in <u>present law</u>, 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 under the schedule.

Effective August 1, 2020.

(Adds R.S. 9:2800.25)