

GREEN SHEET REDIGEST

HB 423

2024 Regular Session

Melerine

**CIVIL/PROCEDURE: Provides for payment of recoverable medical expenses from collateral sources.**

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DIGEST

Present law (R.S. 9:2800.27(B)) 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.

Present law provides 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 reasonable.

Proposed law retains present law but provides that court shall award the claimant 20% of the difference between the amount billed and the amount actually paid to the contracted medical provider by a health insurance issuer or Medicare.

Present law (R.S. 9:2800.27(F)) provides that the jury shall only be informed of the amount billed by a medical provider and whether another source has agreed to pay shall not be disclosed to the jury.

Proposed law retains present law, and includes that it shall be discoverable and subject to the rules of discovery.

Present law provides that present law shall not apply to cases brought under R.S. 40:1231.1 or 1237.1.

Proposed law retains present law but adds medical payments coverage only.

Proposed law applies to any cause of action occurring after Jan. 1, 2025.

(Amends R.S. 9:2800.27(B), (D), and (F))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Make technical changes.
2. Remove present law which provides that the jury is only informed of the amount billed by a medical provider and evidence of another source agreeing to pay shall not be disclosed.

The House Floor Amendments to the engrossed bill:

1. Add a technical amendment.
2. Add an effective date.

3. Provide that proposed law shall not apply to medical payments benefit coverage only.

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Judiciary A to the reengrossed bill

1. Makes technical changes.
2. Changes the amount which the court shall award of the difference between the amount billed and the amount actually paid to the contracted medical provider from 40% to 20%.
3. Provides that the jury shall only be informed of the amount billed by a medical provider and whether another source has agreed to pay shall not be disclosed to the jury, and that it shall be discoverable and adds subject to the rules of discovery.
4. Clarifies that proposed law shall not apply to medical payments coverage only.