
DIGEST

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HB 34 Engrossed

2025 Regular Session

Glorioso

Abstract: Provides relative to medical expenses that may be recovered at trial.

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

Proposed law removes the definitions of "contracted medical provider", "cost of procurement", and "health insurance issuer" from present law.

Present law provides that in cases where a claimant's medical expenses have been paid by a health insurance issuer or Medicare, the claimant's recovery of medical expenses is limited to the amount actually paid to the contracted medical provider and not the amount billed. The claimant is awarded 40% of the difference between the amount billed and the amount paid to the contracted medical provider in consideration of the claimant's cost of procurement provided that the amount shall be reduced if the defendant proves that the recovery would make the award unreasonable.

Proposed law repeals present law.

Present law provides that the recovery of medical expenses other than those paid by Medicare, Medicaid, or a health insurance issuer shall be limited to amounts paid to a medical provider by or on behalf of the claimant and amounts owed to a medical provider.

Proposed law repeals present law.

Present law provides that in a jury trial after a jury verdict is rendered the court may receive evidence related to the limitations of recoverable past medical expenses. The jury shall be informed only of the amount billed by a medical provider and whether any person, health insurance issuer, or Medicare has paid, or agreed to pay, and any of a claimant's medical expenses shall not be disclosed to the jury.

Proposed law repeals present law.

Proposed law provides that any party at trial may introduce evidence of either the amount billed, the amount paid, or both to establish the basis for an award for medical expenses and any party may introduce expert testimony to establish or controvert the reasonableness of medical expenses sought to be recovered by the claimant.

Proposed law provides that any agreement between a healthcare provider and a third party responsible for the financing or collection of medical expenses including a letter of protection or guarantee of payment between the healthcare provider and an attorney shall be admissible as evidence.

Proposed law provides that the trier of fact shall make a determination of the amount of medical expenses to award, if any, after all evidence has been presented.

Present law provides an exception to cases brought pursuant to the La. Medical Malpractice Act (R.S. 40:1231.1 et seq.).

Proposed law removes the exception in present law for cases brought pursuant to the La. Medical Malpractice Act (R.S. 40:1231.1 et seq.).

(Amends R.S. 9:2800.27(A)-(D); Repeals R.S. 9:2800.27(E)-(G))

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 the exception to the La. Medical Malpractice Act.
3. Remove the provision that in a jury trial the court may receive evidence related to the limitations of recoverable past medical expenses and that the jury shall be informed only of the amount billed by a medical provider.
4. Specify that at trial any party may introduce evidence of the amount billed, the amount paid, or both, to establish the basis for an award for medical expenses.
5. Provide that a letter of protection or guarantee of payment between the healthcare provider and an attorney shall be admissible evidence.