

SENATE BILL NO. 231

BY SENATOR REESE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact R.S. 9:2800.27, relative to civil actions; to provide relative to
3 recoverable medical expenses; to provide relative to the amount billed and the
4 amount paid in certain circumstances; to provide relative to the calculation of certain
5 damages; to provide relative to admissible evidence; to provide relative to certain
6 definitions; to provide relative to obtaining discovery in certain circumstances; to
7 provide relative to admissibility of evidence; to provide relative to automobile
8 liability insurance that provides for medical payments coverage; to provide relative
9 to attorney-negotiated write-offs or discounts for medical expenses; to provide
10 relative to write-offs or discounts provided by a medical provider; to provide related
11 to consideration; to provide relative to attorney fees; to provide for prospective
12 application; to provide for an effective date; and to provide for related matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 9:2800.27 is hereby amended and reenacted to read as follows:

15 §2800.27. Recoverable past medical expenses; collateral sources; limitations;
16 evidence

17 A. For the purpose of this Section:

18 (1) "Contracted medical provider" means any in-network medical provider
19 that has entered into a contract or agreement directly with a health insurance issuer
20 or with a health insurance issuer through a network of providers for the provision of
21 covered healthcare services at a pre-negotiated rate, or any medical provider that has
22 billed and received payment for covered healthcare services from Medicare when the
23 provider is a participating provider in those programs.

24 ~~(2) "Cost of procurement" means the cost paid by or on behalf of the claimant~~
25 ~~to procure the benefit paid by a health insurance issuer or Medicare and the cost of~~
26 ~~procurement of the award of medical expenses, including but not limited to~~
27 ~~contracted attorney fees and health insurance premiums paid.~~

1 ~~(3)~~**(2)** "Cost sharing" means copayments, coinsurance, deductibles, and any
2 other amounts which have been paid or are owed by the claimant to a medical
3 provider.

4 ~~(4)~~**(3)** "Health insurance issuer" means any health insurance coverage through
5 a policy or certificate of insurance subject to regulation of insurance under state law,
6 a health maintenance organization, an employer-sponsored health plan, the Office
7 of Group Benefits, or an equivalent federal or state health plan.

8 ~~(5)~~**(4)** "Medical provider" means any healthcare provider, hospital,
9 ambulance service, or their heirs or assignees.

10 B. In cases where a claimant's medical expenses have been paid, in whole or
11 in part, by a health insurance issuer or Medicare to a contracted medical provider,
12 the claimant's recovery of medical expenses is limited to the amount actually paid
13 to the contracted medical provider by the health insurance issuer or Medicare, and
14 any applicable cost sharing amounts paid or owed by the claimant, and not the
15 amount billed. ~~The court shall award to the claimant forty percent of the difference~~
16 ~~between the amount billed and the amount actually paid to the contracted medical~~
17 ~~provider by a health insurance issuer or Medicare in consideration of the claimant's~~
18 ~~cost of procurement, provided that this amount shall be reduced if the defendant~~
19 ~~proves that the recovery of the cost of procurement would make the award~~
20 ~~unreasonable. The determination of this award shall be made only in accordance with~~
21 ~~the provisions of Subsection F of this Section.~~

22 C. In cases where a claimant's medical expenses have been paid, in whole or
23 in part, by Medicaid to a medical provider, the claimant's recovery of medical
24 expenses actually paid by Medicaid is limited to the amount actually paid to the
25 medical provider by Medicaid, and any applicable cost sharing amounts paid or
26 owed by the claimant, and not the amount billed.

27 ~~D. The recovery of past medical expenses other than those provided by~~
28 ~~Subsection B or C of this Section shall be limited to amounts paid to a medical~~
29 ~~provider by or on behalf of the claimant, and amounts remaining owed to a medical~~
30 ~~provider, including medical expenses secured by a contractual or statutory privilege,~~

1 ~~lien, or guarantee. The determination of this award shall be made only in accordance~~
2 ~~with Subsection F of this Section.~~

3 ~~E.D.~~ In cases where a claimant's medical expenses are paid pursuant to the
4 Louisiana Workers' Compensation Law as provided in R.S. 23:1020.1 et seq., a
5 claimant's recovery of medical expenses is limited to the amount paid under the
6 medical payment fee schedule of the Louisiana Workers' Compensation Law.

7 **E. In a trial to recover past medical expenses provided by Subsection B**
8 **of this Section, the trier of fact shall be informed of the amounts billed and**
9 **amounts actually paid for medical expenses that have been incurred by the**
10 **claimant.**

11 ~~F. In a jury trial, only after a jury verdict is rendered may the court receive~~
12 ~~evidence related to the limitations of recoverable past medical expenses provided by~~
13 ~~Subsection B or D of this Section. The jury shall be informed only of the amount~~
14 ~~billed by a medical provider for medical treatment. Whether any person, health~~
15 ~~insurance issuer, or Medicare has paid or has agreed to pay, in whole or in part, any~~
16 ~~of a claimant's medical expenses, shall not be disclosed to the jury. In trial to the~~
17 ~~court alone, the court may consider such evidence.~~ **The recovery of past medical**
18 **expenses other than those provided by Subsections B or C of this Section shall**
19 **include the amounts paid to a medical provider by or on behalf of the claimant,**
20 **and the amounts remaining owed to a medical provider, including medical**
21 **expenses secured by a contractual or statutory privilege, lien, or guarantee.**

22 **G. In cases where the attorney for the claimant has entered into a**
23 **pre-negotiated agreement with a medical provider of the claimant whereby the**
24 **medical provider has agreed to accept as full compensation an amount less than**
25 **the amount billed, a claimant's recovery of medical expenses shall be limited to**
26 **the amount actually paid pursuant to the pre-negotiated agreement, and any**
27 **applicable cost sharing amounts paid or owed by the claimant.**

28 ~~G.H.~~ This Section shall not apply in cases brought pursuant to R.S. 40:1231.1
29 ~~et seq., or 1237.1 et seq., or to any benefits received by a party through a policy~~
30 **of automobile liability insurance that provides for medical payments coverage.**

1 Section 2. The provisions of this Act shall have prospective application only and
2 shall not apply to causes of action filed prior to the effective date of this Act.
3 Section 3. The provisions of this Act shall become effective on January 1, 2026.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____