

Regular Session, 2014

HOUSE CONCURRENT RESOLUTION NO. 129

BY REPRESENTATIVE HUVAL

CIVIL/CLAIMS: Authorizes the Louisiana State Law Institute to study the collateral source rule

1 A CONCURRENT RESOLUTION

2 To authorize and direct the Louisiana State Law Institute to study and make
3 recommendations relative to the collateral source rule as it relates to awards for
4 damages for medical expenses.

5 WHEREAS, the collateral source rule generally provides that a tortfeasor may not
6 benefit, and an injured plaintiff's recovery may not be diminished, because of benefits
7 received by the plaintiff from sources independent of the tortfeasor's contribution; and

8 WHEREAS, medical providers typically reduce their medical charges through
9 contractual negotiation with healthcare insurers providing coverage to the injured plaintiff;
10 and

WHEREAS, awards for damages for medical expenses to the injured plaintiff frequently include the unreduced charges of the medical provider, and neither the healthcare insurer nor the injured plaintiff are obligated to pay the difference between the original, unreduced charges for services rendered by a medical provider and the contractually reduced charges actually paid by the healthcare insurer; and

16 WHEREAS, such awards for damages unjustly enrich the injured plaintiff to the
17 detriment of the liability insurer for the tortfeasor.

18 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
19 authorize and direct the Louisiana State Law Institute to study the collateral source rule and
20 make recommendations for legislation to prohibit the recovery of medical expense damages
21 which the injured plaintiff is not obligated to pay.

- 1 BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted
2 to the director of the Louisiana State Law Institute.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Huval

HCR No. 129

Authorizes the Louisiana State Law Institute to study and make recommendations relative to the collateral source rule as it relates to awards for damages for medical expenses which have been reduced by health care providers.