

SENATE COMMITTEE AMENDMENTS

2020 First Extraordinary Session

Amendments proposed by Senate Committee on Judiciary A to Reengrossed House Bill No. 57 by Representative Schexnayder

1 AMENDMENT NO. 1

2 On page 1, at the end of line 2, delete "and Code of" and delete line 3 and insert ", to enact
3 R.S. 9:2800.25, and to repeal R.S. 32:295.1(E), relative"

4 AMENDMENT NO. 2

5 On page 1, delete lines 5 and 6 and insert "courts of limited jurisdiction to district courts; to
6 provide relative to trial procedures, damages, collateral source, and evidence; to repeal
7 provisions"

8 AMENDMENT NO. 3

9 On page 2, line 20, change "actions" to "or quasi-delictual actions"

10 AMENDMENT NO. 4

11 On page 3, delete lines 16 through 28 and on page 4, delete lines 1 through 7 and insert the
12 following:

13 "Section 3. R.S. 9:2800.25 is hereby enacted to read as follows:

14 §2800.25. Recoverable medical expenses; collateral sources; limitations; evidence

15 A. For the purpose of this Section:

16 (1) "Health insurance issuer" means any health insurance coverage through
17 a policy or certificate of insurance subject to regulation of insurance under state law,
18 health maintenance organization, employer sponsored health plan, the office of group
19 benefits, and an equivalent federal or state health plan.

20 (2) "Medical provider" means any health care provider, hospital, ambulance
21 service, or their heirs or assignees.

22 (3) "Cost sharing" means copayments, coinsurance, deductibles, and any
23 other amounts which have been paid or are owed by the plaintiff.

24 B. In cases where a plaintiff's medical expenses have been paid, in whole or
25 in part, by a health insurance issuer, Medicaid, or Medicare to a contracted or
26 participating medical provider, the plaintiff's recovery of medical expenses is limited
27 to the amount actually paid to the medical provider by the health insurance issuer,
28 Medicaid, or Medicare and any applicable cost sharing amount paid or owed by the
29 plaintiff, and not the amount billed. The recovery for such medical expenses owed
30 is limited to an amount reasonable and customary for the expenses. The
31 determination of such limit shall be made by the court post verdict.

32 C. In cases where a plaintiff's medical expenses are paid pursuant to the
33 Workers' Compensation Law as provided in R.S. 23:1020.1 et seq., a plaintiff's
34 recovery of medical expenses is limited to the amount payable under the medical
35 payments fee schedule of the Workers' Compensation Law.

36 D. In an action for damages where a person suffers injury, death, or loss, the
37 court may receive evidence concerning any amount which has been paid or
38 contributed as of the date it enters judgment, by or on behalf of, the claimant or
39 members of his immediate family to secure his right to any private insurance benefit
40 which he has received as a result of such injury or death."

41 AMENDMENT NO. 5

42 On page 4, line 8, change "Section 5." to "Section 4."

- 1 AMENDMENT NO. 6
- 2 On page 4, line 9, change "Section 6." to "Section 5."