SLS 24RS-48 ORIGINAL

2024 Regular Session

SENATE BILL NO. 382

BY SENATOR TALBOT

CIVIL PROCEDURE. Provides for payment of recoverable medical expenses from collateral sources. (8/1/24)

1 AN ACT

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To amend and reenact R.S. 9:2800.27(B), relative to civil liability and damages; to provide relative to recoverable medical expenses; to provide with respect to adjusting the award and payment of medical expenses; to provide relative to payment of recoverable medical expenses from collateral sources; to provide for limitations of the amount of medical expenses paid by collateral sources; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:2800.27(B) is hereby amended and reenacted to read as follows: §2800.27. Recoverable past medical expenses; collateral sources; limitations; evidence

* * *

B. 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

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 unreasonable. The determination of this award shall be made only in accordance with the provisions of Subsection F of this Section.

* * *

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Hanna Gettys.

DIGEST 2024 Regular Session

SB 382 Original

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Talbot

<u>Present law</u> (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.

<u>Present law</u> 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 unreasonable.

<u>Proposed law</u> retains <u>present law</u> but deletes the requirement that the court shall award 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.

Effective August 1, 2024.

(Amends R.S. 9:2800.27(B))