

FIRST REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 95

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MCGAUGH.

0714H.01P

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 490.715, RSMo, and to enact in lieu thereof one new section relating to evidence for the cost of medical care and treatment.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 490.715, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 490.715, to read as follows:

490.715. 1. No evidence of collateral sources, **or payments rendered under subsection 2 of this section**, shall be admissible other than such evidence provided for in this section.

2. If prior to trial a defendant or his or her insurer or authorized representative, or any combination of them, pays all or any part of a plaintiff's special damages, ~~[the defendant may introduce evidence that some other person other than the plaintiff has paid those amounts. The evidence shall not identify any person having made such payments]~~ **then any portion of a plaintiff's claims for special damages that are satisfied by a payment from a defendant or the defendant's insurer or authorized representative, or any combination of them, are not recoverable from that defendant.**

3. If ~~[a defendant introduces evidence]~~ **such payments** described in subsection 2 of this section~~[- such introduction shall constitute a waiver of any right to a credit against a judgment pursuant to]~~ **are included in a plaintiff's claim for special damages at trial, the defendant who made the payment, or on whose behalf the payment was made, shall be entitled to**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 **deduct and receive a credit for such payments from any judgment as provided for under**  
16 **section 490.710.**

17 4. This section does not require the exclusion of evidence admissible for another proper  
18 purpose.

19 5. (1) ~~[Parties]~~ **Except as provided in subsection 2 of this section, any party** may  
20 introduce evidence of the ~~[value]~~ **actual cost** of the medical **care or** treatment rendered ~~[to a~~  
21 ~~party that was]~~ **to a plaintiff or a patient whose care is at issue. Actual cost of the medical**  
22 **care or treatment shall be** reasonable, necessary, and a proximate result of the negligence or  
23 **fault** of any party.

24 (2) ~~[In determining the value of the]~~ **For purposes of this subsection, the phrase**  
25 **"actual cost of the medical care or** treatment ~~[rendered, there shall be a rebuttable presumption~~  
26 ~~that the dollar amount necessary to satisfy the financial obligation to the]~~ **" shall be defined as**  
27 **a sum of money not to exceed the dollar amounts paid by or on behalf of a plaintiff or a**  
28 **patient whose care is at issue plus any remaining dollar amount necessary to satisfy the**  
29 **financial obligation for medical care or treatment by a health care provider [represents the**  
30 ~~value of the medical treatment rendered. Upon motion of any party, the court may determine,~~  
31 ~~outside the hearing of the jury, the value of the medical treatment rendered based upon additional~~  
32 ~~evidence, including but not limited to:~~

33 ~~—— (a) The medical bills incurred by a party;~~

34 ~~—— (b) The amount actually paid for medical treatment rendered to a party;~~

35 ~~—— (c) The amount or estimate of the amount of medical bills not paid which such party is~~  
36 ~~obligated to pay to any entity in the event of a recovery.~~

37 ~~Notwithstanding the foregoing, no evidence of collateral sources shall be made known to the jury~~  
38 ~~in presenting the evidence of the value of the medical treatment rendered] after adjustment for~~  
39 **any contractual discounts, price reduction, or write-off by any person or entity.**

40 (3) **No party may introduce evidence of the amount billed for medical care or**  
41 **treatment rendered to a plaintiff or a patient whose care is at issue if the amount billed has**  
42 **been discounted pursuant to any contract, price reduction, or write-off by any person or**  
43 **entity, or satisfied by payment of an amount less than the amount billed for that medical**  
44 **care or treatment.**

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