

SECOND REGULAR SESSION

HOUSE BILL NO. 2356

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE FLOOK.

Read 1st time March 5, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

5378L.02I

AN ACT

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

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Section A. Section 490.715, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 490.715, to read as follows: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

3. If a defendant introduces evidence described in subsection 2 of this section, such introduction shall constitute a waiver of any right to a credit against a judgment pursuant to section 490.710.

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

5.] (1) Parties may introduce evidence of the [value] **cost** of the medical treatment rendered to a party that was reasonable, necessary, and a proximate result of the negligence of any party.

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 (2) In determining the [value] **cost** of the medical treatment rendered, there shall be a
16 rebuttable presumption that the [dollar amount necessary to satisfy the financial obligation to the
17 health care provider] **value of the original amount charged for medical services provided by**
18 **a health care provider, which is the amount that was charged for the services prior to any**
19 **payments or reductions received from a collateral source**, represents the value of the medical
20 treatment rendered. Upon motion of [any party] **the defendant prior to trial**, the court may
21 **conduct a hearing to** determine[, outside the hearing of the jury, the value of the medical
22 treatment rendered based upon additional evidence, including but not limited to:

23 (a) The medical bills incurred by a party;

24 (b) The amount actually paid for medical treatment rendered to a party;

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

27

28 Notwithstanding the foregoing,] **the original amount charged for such services prior to any**
29 **payments, collateral source payments, or discounts.** No evidence of collateral sources shall
30 be made known to the jury in presenting the evidence **at trial** of the value of the medical
31 treatment rendered.

32 **5. This section does not require the exclusion of evidence admissible for another**
33 **proper purpose.**

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