ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 789 By: Sykes of the Senate

and

Grau of the House

An Act relating to admissibility of medical bills; amending 12 O.S. 2011, Section 3009.1, which relates to personal injury suits; clarifying admissibility of certain amounts; modifying applicability of provisions; and providing an effective date.

AMENDMENT NO. 1. Strike the title, enacting clause and entire bill and insert

"An Act relating to civil procedure; amending 12 O.S. 2011, Section 3009.1, which relates to admissibility of medical expenses; clarifying admissibility of amounts paid for services in treatment of the injured party; providing for sworn testimony; requiring admissibility of amount billed in specified instances; providing limitation for liens filed; modifying applicability of provisions; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 12 O.S. 2011, Section 3009.1, is amended to read as follows:

Section 3009.1 A. Upon the trial of any civil ~~case involving~~ action arising from personal injury, the actual amounts paid for any services in the treatment of the injured party, including doctor bills, hospital bills, ambulance service bills, drug and other prescription bills, and similar bills ~~for expenses incurred in the treatment of the party~~ shall be the amounts admissible at trial, not the amounts billed for such expenses incurred in the treatment of the party. If, in addition to evidence of payment, a party submits a signed statement acknowledged by the medical provider or an authorized representative or sworn testimony that the provider ~~in consideration of the patient's efforts to collect the funds to pay the provider,~~ will accept the amount paid as full payment of the obligations ~~is also admitted~~, the statement or testimony shall be admitted into evidence. The statement or testimony shall be part of the record as an exhibit but need not be shown to the jury. ~~Provided, if~~ If a medical provider has filed a lien in the case for an amount in excess of the amount paid, then the bills in excess of the amount paid, but not more than the amount of the lien, shall be admissible.

B. If no payment has been made, the Medicare reimbursement rates in effect when the personal injury occurred, not the amounts billed, shall be admissible if, in addition to evidence of nonpayment, a party submits a signed statement acknowledged by the medical provider or an authorized representative or sworn testimony

that the provider~~, in consideration of the patient's efforts to collect the funds to pay the provider,~~ will accept payment at the Medicare reimbursement rate less cost of recovery as provided in Medicare regulations as full payment of the obligation ~~is also admitted~~. The statement or testimony shall be admitted into evidence and shall be part of the record as an exhibit but need not be shown to the jury. ~~Provided, if~~ If a medical provider has filed a lien in the case for an amount in excess of the Medicare rate, then the bills in excess of the amount of the Medicare rate, but not more than the amount of the lien, shall be admissible.

~~B.~~ C. If no bills have been paid, or no statement acknowledged by the medical provider or sworn testimony as provided in subsections A and B of this section is provided to the opposing party and listed as an exhibit by the final pretrial hearing, then the amount billed shall be admissible at trial subject to the limitations regarding any lien filed in the case.

D. This section shall apply to civil ~~cases involving~~ actions arising from personal injury filed on or after November 1, ~~2011~~ 2015.

SECTION 2. This act shall become effective November 1, 2015."

Passed the House of Representatives the 23rd day of April, 2015.

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Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2015.

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Presiding Officer of the Senate

ENGROSSED SENATE
BILL NO. 789 By: Sykes of the Senate

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An Act relating to admissibility of medical bills; amending 12 O.S. 2011, Section 3009.1, which relates to personal injury suits; clarifying admissibility of certain amounts; modifying applicability of provisions; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 12 O.S. 2011, Section 3009.1, is amended to read as follows:

Section 3009.1. A. Upon the trial of any civil ~~case involving~~ action arising from personal injury, the actual amounts paid for any doctor ~~bills~~, hospital ~~bills~~, ambulance ~~service bills~~, drug ~~bills and~~ or similar ~~bills~~ services for expenses incurred in the treatment of the injured party shall be the amounts admissible at trial, ~~not~~ rather than the amounts billed for such expenses ~~incurred in the treatment of the party~~. If, in addition to evidence of payment, a signed statement acknowledged by the medical provider or an authorized representative that the provider ~~in consideration of the patient's efforts to collect the funds to pay the provider,~~ will accept the amount paid instead of the amount billed as full payment

of the ~~obligations~~ obligation is ~~also~~ admitted~~. The~~, the statement shall be part of the record as an exhibit but need not be shown to the jury. ~~Provided, if~~ If a medical provider has filed a lien in the case for an amount in excess of the amount paid, ~~then~~ bills in excess of the amount paid but not more than the amount of the lien shall be admissible.

B. If no payment has been made, the Medicare reimbursement rates in effect when the personal injury occurred shall be admissible if, in addition to evidence of nonpayment, a signed statement acknowledged by the medical provider or an authorized representative that the provider~~, in consideration of the patient's efforts to collect the funds to pay the provider,~~ will accept payment at the Medicare reimbursement rate less cost of recovery as provided in Medicare regulations as full payment of the obligation is ~~also~~ admitted. The statement shall be part of the record as an exhibit but need not be shown to the jury. ~~Provided, if~~ If a medical provider has filed a lien in the case for an amount in excess of the Medicare rate, ~~then~~ bills in excess of the amount of the Medicare rate but not more than the amount of the lien shall be admissible.

B. This section shall apply to civil ~~cases involving~~ actions arising from personal injury filed on or after November 1, ~~2011~~ 2015.

SECTION 2. This act shall become effective November 1, 2015.

Passed the Senate the 4th day of March, 2015.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2015.

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Presiding Officer of the House
of Representatives