

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 789

By: Sykes of the Senate

3 and

4 Grau of the House

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

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

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14 "An Act relating to civil procedure; amending 12 O.S.
15 2011, Section 3009.1, which relates to admissibility
16 of medical expenses; clarifying admissibility of
17 amounts paid for services in treatment of the
18 injured party; providing for sworn testimony;
19 requiring admissibility of amount billed in
20 specified instances; providing limitation for liens
21 filed; modifying applicability of provisions; and
22 providing an effective date.

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

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

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

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

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

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

17 D. This section shall apply to civil ~~cases involving~~ actions
18 arising from personal injury filed on or after November 1, ~~2011~~
19 2015.

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