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AS AMENDED

By: Daniels and Paxton

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1 ~~authorized representative or sworn testimony that the provider will~~
2 ~~accept the amount paid as full payment of the obligations, the~~
3 ~~statement or testimony shall be admitted into evidence. The~~
4 ~~statement or testimony shall be part of the record as an exhibit but~~
5 ~~need not be shown to the jury.~~

6 B. If a medical provider has filed a lien in the case for an
7 amount in excess of the amount paid, then the bills in excess of the
8 amount paid, but not more than the amount of the lien, shall be
9 admissible.

10 ~~B.~~ C. If no payment has been made, the Medicare, Medicaid or
11 applicable private health insurance reimbursement rates in effect
12 when the personal injury occurred, not the amounts billed, shall be
13 admissible if, ~~in addition to evidence of nonpayment,~~ a party
14 submits a ~~signed~~ sworn statement acknowledged by the medical
15 provider or an authorized representative, or sworn testimony, that
16 the provider will accept payment at ~~the Medicare reimbursement rate~~
17 such rates less cost of recovery as provided in Medicare or Medicaid
18 regulations, or provisions of the applicable private health
19 insurance plan, as full payment of the obligation. The statement or
20 testimony shall be admitted into evidence and shall be part of the
21 record as an exhibit but need not be shown to the jury. If a
22 medical provider has filed a lien in the case for an amount in
23 excess of the Medicare or Medicaid rate, then the bills in excess of
24 the amount of the Medicare or Medicaid rate, but not more than the

1 amount of the lien, shall be admissible. However, if Medicare or
2 Medicaid regulations, or provisions of the applicable private health
3 insurance do not allow the provider to seek recovery from the
4 patient above the reimbursement rate, the lien shall not be
5 admissible.

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

12 D. This section shall apply to civil actions arising from
13 personal injury filed on or after November 1, ~~2015~~ 2019.

14 SECTION 2. This act shall become effective November 1, 2019.

15 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
16 February 19, 2019 - DO PASS AS AMENDED
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