## 1 SENATE FLOOR VERSION February 19, 2019 AS AMENDED 2 3 SENATE BILL NO. 779 By: Daniels and Paxton 4 5 6 An Act relating to the Oklahoma Evidence Code; amending 12 O.S. 2011, Section 3009.1, as amended by 7 Section 1, Chapter 337, O.S.L. 2015 (12 O.S. Supp. 2018, Section 3009.1), which relates to medical bills in personal injury suits; modifying requirements for 8 admissibility of certain statements or testimony 9 related to medical bills of injured party; prohibiting admissibility of certain liens; modifying applicability of provisions; and providing an 10 effective date. 11 12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA: 13 SECTION 1. 12 O.S. 2011, Section 3009.1, as 14 AMENDATORY 15 amended by Section 1, Chapter 337, O.S.L. 2015 (12 O.S. Supp. 2018, Section 3009.1), is amended to read as follows: 16 Section 3009.1. A. Upon the trial of any civil action arising 17 from personal injury, the actual amounts paid for any services in 18 the treatment of the injured party, including doctor bills, hospital 19 bills, ambulance service bills, drug and other prescription bills, 20 and similar bills shall be the amounts admissible at trial, not the 21 amounts billed for such expenses incurred in the treatment of the 22 23 party. If, in addition to evidence of payment, a party submits a 24 signed statement acknowledged by the medical provider or an

authorized representative or sworn testimony that the provider will

accept the amount paid as full payment of the obligations, 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.

B. 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. C. If no payment has been made, the Medicare, Medicaid or applicable private health insurance 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 sworn statement acknowledged by the medical provider or an authorized representative, or sworn testimony, that the provider will accept payment at the Medicare reimbursement rate such rates less cost of recovery as provided in Medicare or Medicaid regulations, or provisions of the applicable private health insurance plan, as full payment of the obligation. 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. If a medical provider has filed a lien in the case for an amount in excess of the Medicare or Medicaid rate, then the bills in excess of 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, $\frac{2015}{2019}$ .
14	SECTION 2. This act shall become effective November 1, 2019.
15	COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY February 19, 2019 - DO PASS AS AMENDED
16	
17	
18	
19	
20	
21	
22	
23	
24	