

FIRST REGULAR SESSION

# HOUSE BILL NO. 596

## 98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MCGAUGH.

1550L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

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

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*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Section A. Section 490.715, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 490.715, to read as follows: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 **pertaining to the cost of medical treatment, including medication**, 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] **such payment shall not be admissible or recoverable from that defendant.**

3. [If a defendant introduces evidence described in] **By virtue of** subsection 2 of this section, [such introduction shall constitute a waiver of] **a defendant shall not have** any right to a credit against a judgment pursuant to section 490.710. **Provided however, if such payments have been included in a plaintiff's claim for special damages at trial, the defendant shall be entitled to deduct and receive a credit for such payments from any judgment as provided for in section 490.710.**

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

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.

17           5. (1) **Except as provided in subsection 2 of this section**, parties may introduce  
18 evidence of the [value] **cost** of the medical treatment rendered **or to be rendered** to a party that  
19 was **or will be** reasonable, necessary, and a proximate result of the negligence of any party.

20           (2) [In determining the value of the] **For purposes of subdivision (1) of this**  
21 **subsection, the cost of any** medical treatment rendered[, there shall be a rebuttable presumption  
22 that the dollar amount necessary] **or to be rendered by a health care provider shall not exceed**  
23 **the actual dollar amounts paid for such medical treatment plus any unpaid for projected**  
24 **amounts to be paid by any source or combination of sources** to satisfy the financial obligation  
25 to the health care provider [represents the value of the medical treatment rendered. Upon motion  
26 of any party, the court may determine, outside the hearing of the jury, the value of the medical  
27 treatment rendered based upon additional evidence, including but not limited to:

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

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

30           (c) The amount or estimate of the amount of medical bills not paid which such party is  
31 obligated to pay to any entity in the event of a recovery. Notwithstanding the foregoing, no  
32 evidence of collateral sources shall be made known to the jury in presenting the evidence of the  
33 value of the medical treatment rendered] **for such treatment.**

34           (3) **Evidence presented to the jury of the case of medical treatment rendered or to**  
35 **be rendered shall be presented solely in terms of the part or projected actual cost necessary**  
36 **to satisfy the cost of such treatment or services under any agreement, contractual or**  
37 **otherwise, with the provider, and without reference to any billed charges in excess of such**  
38 **cost.**

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