

HB 596 -- COLLATERAL SOURCE RULE

SPONSOR: McGaugh

This bill specifies that if prior to trial a defendant or his or her insurer or authorized representative, or any combination of them, pays all or part of a plaintiff's special damages, the amount of the payment is not admissible at trial and cannot be recovered from that defendant. If the payments were included in a plaintiff's claim for special damages at trial, the defendant must be entitled to deduct and receive a credit for the payments from any judgment as specified.

Parties may introduce evidence of the cost of the medical treatment rendered or to be rendered to a party that was or will be reasonable, necessary, and a proximate result of the negligence of any party, however the cost of any medical treatment rendered or to be rendered by a health care provider must not exceed the actual dollar amounts paid for the medical treatment plus any unpaid or projected amounts to be paid by any course or combination of sources for the treatment.

Evidence presented to the jury of the case of medical treatment rendered or to be rendered must be presented solely in terms of the part or projected actual cost necessary to satisfy the cost of the treatment or services under any agreement, contractual or otherwise, with the provider, and without reference to any billed charges in excess of the cost.