

SECOND REGULAR SESSION

# HOUSE BILL NO. 2107

## 98TH GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE MCGAUGH.

5611H.011

D. ADAM CRUMBLISS, Chief Clerk

---

### 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.

---

*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Section A. Section 490.715, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 490.715, to read as follows: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 **or payments rendered under subsection 2 of this section** 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] **the special damages claimed by a plaintiff that were satisfied by a payment from a defendant or the defendant's insurer shall not be recoverable from that defendant.**

3. [If a defendant introduces evidence described in subsection 2 of this section, such introduction shall constitute a waiver of any right to a credit against a judgment pursuant to section 490.710.] **If payments described in subsection 2 of this section are 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.

5. (1) **Except as provided in subsection 2 of this section**, parties may introduce evidence of the [value] **actual cost** of the medical **care or** treatment rendered to a [party that

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.

18 was] **plaintiff. Actual cost of the medical care or treatment shall be** reasonable, necessary,  
19 and a proximate result of the negligence **or fault** of any party.

20 (2) [In determining the value of the medical treatment rendered, there shall be a  
21 rebuttable presumption that the dollar amount necessary to satisfy the financial obligation to the]  
22 **For purposes of this subsection, the phrase "actual cost of the medical care or treatment"**  
23 **shall mean a sum of money not to exceed the dollar amounts paid or owed by a plaintiff for**  
24 **medical care or treatment by a health care provider** [represents the value of the medical  
25 treatment rendered. Upon motion of any party, the court may determine, outside the hearing of  
26 the jury, the value of the medical treatment rendered based upon additional evidence, including  
27 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] **after adjustment for any contractual discounts, price**  
34 **reduction, or write-off by any person or entity.**

35 (3) **Evidence of necessary future medical care or treatment to be rendered shall be**  
36 **limited to the amount necessary to satisfy the actual cost of the medical care or treatment.**

✓