

FIRST REGULAR SESSION

SENATE BILL NO. 227

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR EMERY.

Read 1st time January 12, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1240S.011

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Section A. Section 490.715, RSMo, is repealed and one new section
2 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**
2 **medical treatment, including medication**, shall be admissible other than
3 such evidence provided for in this section.

4 2. If prior to trial a defendant or his or her insurer or authorized
5 representative, or any combination of them, pays all or any part of a plaintiff's
6 special damages, [the defendant may introduce evidence that some other person
7 other than the plaintiff has paid those amounts. The evidence shall not identify
8 any person having made such payments] **such payment shall not be**
9 **admissible or recoverable from that defendant.**

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

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

19 5. (1) **Except as provided in subsection 2 of this section**, parties

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 may introduce evidence of the [value] **cost** of the medical treatment rendered **or**
21 **to be rendered** to a party that was **or will be** reasonable, necessary, and a
22 proximate result of the negligence of any party.

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

33 (a) The medical bills incurred by a party;
34 (b) The amount actually paid for medical treatment rendered to a party;
35 (c) The amount or estimate of the amount of medical bills not paid which
36 such party is obligated to pay to any entity in the event of a
37 recovery. Notwithstanding the foregoing, no evidence of collateral sources shall
38 be made known to the jury in presenting the evidence of the value of the medical
39 treatment rendered] **for such treatment.**

40 (3) **Evidence presented to the jury of the case of medical**
41 **treatment rendered or to be rendered shall be presented solely in terms**
42 **of the part or projected actual cost necessary to satisfy the cost of such**
43 **treatment or services pursuant to any agreement, contractual or**
44 **otherwise, with the provider, and without reference to any billed**
45 **charges in excess of such cost.**

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