

SECOND REGULAR SESSION

[P E R F E C T E D]

SENATE SUBSTITUTE NO. 2 FOR

# SENATE BILL NO. 847

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR EMERY.

Offered February 16, 2016.

Senate Substitute No. 2 adopted, February 16, 2016.

Taken up for Perfection February 16, 2016. Bill declared Perfected and Ordered Printed, as amended.

ADRIANE D. CROUSE, Secretary.

5594S.04P

## 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 care and 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Section A. Section 490.715, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 490.715, to read as follows: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] **then any portion of a plaintiff's claims for special damages that are satisfied by a payment from a defendant or the defendant's insurer or authorized representative, or any combination of them, are not recoverable from that defendant.**

3. If [a defendant introduces evidence] **such payments** described in subsection 2 of this section[, such introduction shall constitute a waiver of any right to a credit against a judgment pursuant to] **are included in a plaintiff's claim for special damages at trial, the defendant who made the**

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

16 **payment, or on whose behalf the payment was made, shall be entitled**  
17 **to deduct and receive a credit for such payments from any judgment as**  
18 **provided for in section 490.710.**

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

21 5. (1) **Except as provided in subsection 2 of this section,** parties  
22 may introduce evidence of the [value] **actual cost** of the medical **care or**  
23 treatment rendered [to a party that was] **to a plaintiff and/or a patient**  
24 **whose care is at issue. Actual cost of the medical care or treatment**  
25 **shall be** reasonable, necessary, and a proximate result of the negligence **or fault**  
26 of any party.

27 (2) [In determining the value of the] **For purposes of this subsection,**  
28 **the phrase "actual cost of the medical care or** treatment [rendered, there  
29 shall be a rebuttable presumption that the dollar amount necessary to satisfy the  
30 financial obligation to the]" **shall be defined as a sum of money not to**  
31 **exceed the dollar amounts paid by or on behalf of a plaintiff and/or a**  
32 **patient whose care is at issue plus any remaining dollar amount**  
33 **necessary to satisfy the financial obligation for medical care or**  
34 **treatment by a health care provider** [represents the value of the medical  
35 treatment rendered. Upon motion of any party, the court may determine, outside  
36 the hearing of the jury, the value of the medical treatment rendered based upon  
37 additional evidence, including but not limited to:

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

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

40 (c) The amount or estimate of the amount of medical bills not paid which  
41 such party is obligated to pay to any entity in the event of a recovery.

42 Notwithstanding the foregoing, no evidence of collateral sources shall be made  
43 known to the jury in presenting the evidence of the value of the medical  
44 treatment rendered] **after adjustment for any contractual discounts, price**  
45 **reduction, or write-off by any person or entity.**

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