

SENATE SUBSTITUTE

FOR

SENATE BILL NO. 31

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:

1 Section A. Section 490.715, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 490.715,
3 to read as follows:

4 490.715. 1. No evidence of collateral sources, or payments
5 rendered under subsection 2 of this section, shall be admissible
6 other than such evidence provided for in this section.

7 2. If prior to trial a defendant or his or her insurer or
8 authorized representative, or any combination of them, pays all
9 or any part of a plaintiff's special damages, [the defendant may
10 introduce evidence that some other person other than the
11 plaintiff has paid those amounts. The evidence shall not
12 identify any person having made such payments] then any portion
13 of a plaintiff's claims for special damages that are satisfied by
14 a payment from a defendant or the defendant's insurer or
15 authorized representative, or any combination of them, are not
16 recoverable from that defendant.

17 3. If [a defendant introduces evidence] such payments
18 described in subsection 2 of this section[, such introduction
19 shall constitute a waiver of any right to a credit against a

1 judgment pursuant to] are included in a plaintiff's claim for
2 special damages at trial, the defendant who made the payment, or
3 on whose behalf the payment was made, shall be entitled to deduct
4 and receive a credit for such payments from any judgment as
5 provided for in section 490.710.

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

8 5. (1) Except as provided in subsection 2 of this section,
9 parties may introduce evidence of the [value] actual cost of the
10 medical care or treatment rendered [to a party that was] to a
11 plaintiff or a patient whose care is at issue. Actual cost of
12 the medical care or treatment shall be reasonable, necessary, and
13 a proximate result of the negligence or fault of any party.

14 (2) [In determining the value of the] For purposes of this
15 subsection, the phrase "actual cost of the medical care or
16 treatment [rendered, there shall be a rebuttable presumption that
17 the dollar amount necessary to satisfy the financial obligation
18 to the]" shall be defined as a sum of money not to exceed the

19 dollar amounts paid by or on behalf of a plaintiff or a patient
20 whose care is at issue plus any remaining dollar amount necessary
21 to satisfy the financial obligation for medical care or treatment
22 by a health care provider [represents the value of the medical
23 treatment rendered. Upon motion of any party, the court may
24 determine, outside the hearing of the jury, the value of the
25 medical treatment rendered based upon additional evidence,
26 including but not limited to:

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

28 (b) The amount actually paid for medical treatment rendered

1 to a party;

2 (c) The amount or estimate of the amount of medical bills
3 not paid which such party is obligated to pay to any entity in
4 the event of a recovery. Notwithstanding the foregoing, no
5 evidence of collateral sources shall be made known to the jury in
6 presenting the evidence of the value of the medical treatment
7 rendered] after adjustment for any contractual discounts, price
8 reduction, or write-off by any person or entity.