

SECOND REGULAR SESSION

# SENATE BILL NO. 799

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR EMERY.

Read 1st time January 29, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

5369S.02I

## AN ACT

To repeal section 490.715, RSMo, and to enact in lieu thereof one new section relating to the introduction of evidence for determining 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Section A. Section 490.715, RSMo, is repealed and one new section  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 shall be admissible other  
2 than such evidence provided for in this section.

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

8 3. If a defendant introduces evidence described in subsection 2 of this  
9 section, such introduction shall constitute a waiver of any right to a credit against  
10 a judgment pursuant to section 490.710.

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

13 5. (1) Parties may introduce evidence of the [value] **cost** of the medical  
14 treatment rendered **or to be rendered** to a party that was **or will be**  
15 reasonable, necessary, and a proximate result of the negligence of any party.

16 (2) [In determining the value of the] **For purposes of subdivision (1)**  
17 **of this subsection, the cost of any** medical treatment rendered[, there shall  
18 be a rebuttable presumption that the dollar amount necessary] **or to be**  
19 **rendered by a health care provider shall not exceed the actual dollar**

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

20 **amounts paid for such medical treatment plus any unpaid or projected**  
21 **amounts to be paid by any source or combination of sources** to satisfy the  
22 financial obligation to the health care provider [represents the value of the  
23 medical treatment rendered] **for such treatment.** [Upon motion of any party,  
24 the court may determine, outside the hearing of the jury, the value of the medical  
25 treatment rendered based upon additional evidence, including but not limited to:  
26 (a) The medical bills incurred by a party;  
27 (b) The amount actually paid for medical treatment rendered to a party;  
28 (c) The amount or estimate of the amount of medical bills not paid which  
29 such party is obligated to pay to any entity in the event of a recovery.]  
30 Notwithstanding the foregoing **provisions of this section,** [no evidence of]  
31 **evidence presented to the jury of the cost of medical treatment**  
32 **rendered or to be rendered shall not include the identity or nature of**  
33 collateral sources [shall be made known to the jury in presenting the evidence of  
34 the value of the medical treatment rendered] **having made or making**  
35 **payments for all or any part of a plaintiff's damages and the evidence**  
36 **of the cost of reasonable, necessary, and proximately caused medical**  
37 **treatment shall be presented in terms of past or projected actual cost**  
38 **only, without reference to gross charges.**

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