

SENATE BILL NO. 975

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BURLISON.

4705S.01H

ADRIANE D. CROUSE, Secretary

AN ACT

To repeal section 490.715, RSMo, and to enact in lieu thereof one new section relating to the collateral source rule.

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Section A. Section 490.715, RSMo, is repealed and one new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

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

5 2. If prior to trial a defendant or his or her insurer
6 or authorized representative, or any combination of them,
7 pays all or any part of a plaintiff's special damages, then
8 any portion of a plaintiff's claims for special damages that
9 are satisfied by a payment from a defendant or the
10 defendant's insurer or authorized representative, or any
11 combination of them, are not recoverable from that defendant.

12 3. If such payments described in subsection 2 of this
13 section are included in a plaintiff's claim for special
14 damages at trial, the defendant who made the payment, or on
15 whose behalf the payment was made, shall be entitled to
16 deduct and receive a credit for such payments from any
17 judgment as provided for in section 490.710.

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

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

20 5. (1) Except as provided in subsection 2 of this
21 section, **[parties] in any action wherein a plaintiff seeks**
22 **to recover for personal injury, bodily injury, or death, any**
23 **party** may introduce evidence of the actual cost of the
24 medical care or treatment rendered to a plaintiff, or **[a**
25 **patient whose care is at issue]** **to the person for whose**
26 **injury or death plaintiff seeks to recover.** Actual cost of
27 the medical care or treatment shall be reasonable,
28 necessary, and a proximate result of the negligence or fault
29 of any party.

30 (2) For purposes of this subsection, the phrase
31 "actual cost of the medical care or treatment" shall be
32 defined as a sum of money not to exceed the dollar amounts
33 paid by or on behalf of a plaintiff, or a patient whose care
34 is at issue **in a plaintiff's case**, plus any remaining dollar
35 amount necessary to satisfy the financial obligation,
36 **including valid outstanding liens**, for medical care or
37 treatment by a health care provider after adjustment for any
38 contractual discounts, price reduction, or write-off by any
39 person or entity.

40 (3) **No party shall introduce evidence of the amount**
41 **billed for medical care or treatment rendered to a plaintiff**
42 **or a patient whose care is at issue in a plaintiff's case if**
43 **the amount billed has been discounted pursuant to any**
44 **contract, price reduction, or write-off by any person or**
45 **entity or satisfied by payment of an amount less than the**
46 **amount billed for that medical care or treatment.**

47 6. The actual cost of medical care or treatment
48 rendered to a plaintiff or a patient whose care is at issue
49 in a plaintiff's case and discounts pursuant to any

50 contract, price reduction, or write-off shall be admissible
51 evidence relevant to the potential cost of future treatment
52 of the same type or kind to that plaintiff or patient whose
53 care is at issue in a plaintiff's case.

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