

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO. 779

By: Daniels

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5
6 AS INTRODUCED

7 An Act relating to the Oklahoma Evidence Code;
8 amending 12 O.S. 2011, Section 3009.1, as amended by
9 Section 1, Chapter 337, O.S.L. 2015 (12 O.S. Supp.
10 2018, Section 3009.1), which relates to medical bills
11 in personal injury suits; modifying requirements for
12 admissibility of certain statements or testimony
13 related to medical bills of injured party;
14 prohibiting admissibility of certain liens; modifying
15 applicability of provisions; and providing an
16 effective date.

17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. AMENDATORY 12 O.S. 2011, Section 3009.1, as
19 amended by Section 1, Chapter 337, O.S.L. 2015 (12 O.S. Supp. 2018,
20 Section 3009.1), is amended to read as follows:

21 Section 3009.1. A. Upon the trial of any civil action arising
22 from personal injury, the actual amounts paid for any services in
23 the treatment of the injured party, including doctor bills, hospital
24 bills, ambulance service bills, drug and other prescription bills,
and similar bills shall be the amounts admissible at trial, not the
amounts billed for such expenses incurred in the treatment of the
party. ~~If, in addition to evidence of payment, a party submits a~~

1 ~~signed statement acknowledged by the medical provider or an~~
2 ~~authorized representative or sworn testimony that the provider will~~
3 ~~accept the amount paid as full payment of the obligations, the~~
4 ~~statement or testimony shall be admitted into evidence. The~~
5 ~~statement or testimony shall be part of the record as an exhibit but~~
6 ~~need not be shown to the jury.~~

7 B. If a medical provider has filed a lien in the case for an
8 amount in excess of the amount paid, then the bills in excess of the
9 amount paid, but not more than the amount of the lien, shall be
10 admissible.

11 B. C. If no payment has been made, the Medicare, Medicaid or
12 applicable private health insurance reimbursement rates in effect
13 when the personal injury occurred, not the amounts billed, shall be
14 admissible if, ~~in addition to evidence of nonpayment,~~ a party
15 submits a ~~signed~~ sworn statement acknowledged by the medical
16 provider or an authorized representative, or sworn testimony, that
17 the provider will accept payment at ~~the Medicare reimbursement rate~~
18 such rates less cost of recovery as provided in Medicare or Medicaid
19 regulations, or provisions of the applicable private health
20 insurance plan, as full payment of the obligation. The statement or
21 testimony shall be admitted into evidence and shall be part of the
22 record as an exhibit but need not be shown to the jury. If a
23 medical provider has filed a lien in the case for an amount in
24 excess of the Medicare or Medicaid rate, then the bills in excess of

1 the amount of the Medicare rate, but not more than the amount of the
2 lien, shall be admissible. However, if Medicare or Medicaid
3 regulations, or provisions of the applicable private health
4 insurance do not allow the provider to seek recovery from the
5 patient above the reimbursement rate, the lien shall not be
6 admissible.

7 ~~C. If no bills have been paid, or no statement acknowledged by~~
8 ~~the medical provider or sworn testimony as provided in subsections A~~
9 ~~and B of this section is provided to the opposing party and listed~~
10 ~~as an exhibit by the final pretrial hearing, then the amount billed~~
11 ~~shall be admissible at trial subject to the limitations regarding~~
12 ~~any lien filed in the case.~~

13 D. This section shall apply to civil actions arising from
14 personal injury filed on or after November 1, ~~2015~~ 2019.

15 SECTION 2. This act shall become effective November 1, 2019.

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