

SENATE SUBSTITUTE
FOR
SENATE BILL NO. 847

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1 Section A. Section 490.715, RSMo, is repealed and one new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

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

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

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

15 (2) [In determining the value of the] For purposes of this
16 subsection, the phrase "actual cost of the medical care or
17 treatment [rendered, there shall be a rebuttable presumption that
18 the dollar amount necessary to satisfy the financial obligation
19 to the]" shall be defined as a sum of money not to exceed the
20 dollar amounts paid by or on behalf of a plaintiff and/or a
21 patient whose care is at issue plus any remaining dollar amount
22 necessary to satisfy the financial obligation for medical care or
23 treatment by a health care provider [represents the value of the
24 medical treatment rendered. Upon motion of any party, the court
25 may determine, outside the hearing of the jury, the value of the
26 medical treatment rendered based upon additional evidence,
27 including but not limited to:

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

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

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

10 (3) Evidence of necessary future medical care or treatment
11 to be rendered shall be limited to the amount necessary to
12 satisfy the cost of the medical care or treatment.