

**ADOPTED**

Senators Hatchett of the 50th, Kennedy of the 18th, and Strickland of the 42nd offered the following amendment #1:

1 *Amend the Senate Committee on Judiciary substitute to SB 68 (LC 49 2233-ECS) by*  
2 *replacing line 10 with the following:*

3 actions; to provide for the recovery of special damages for medical and healthcare expenses  
4 in personal injury and wrongful death cases; to provide for construction; to provide for  
5 definitions; to

6 *By replacing lines 346 to 388 with the following:*

7 (a) In any civil action to recover damages resulting from injury or death to a person,  
8 special damages for medical and healthcare expenses shall be recoverable only as provided  
9 in this Code section.

10 (b) Special damages for medical and healthcare expenses shall be limited to the reasonable  
11 value of medically necessary care, treatment, or services, and the amount of such special  
12 damages shall be determined by the trier of fact.

13 (c) If the plaintiff in any such civil action has any form of public or private health  
14 insurance, including benefits under a governmental workers' compensation program,  
15 evidence relevant to the determination of the reasonable value of medically necessary care,  
16 treatment, or services pursuant to subsection (b) of this Code section shall include both the  
17 amounts charged for past, present, or future medical and healthcare expenses and the  
18 amounts actually necessary to satisfy such charges pursuant to the insurance contract or the  
19 applicable governmental workers' compensation program, regardless of whether the health  
20 insurance has been used, is used, or will be used to satisfy such charges.

21 (d) In any claim for medical and healthcare expenses rendered under a letter of protection  
22 or any other arrangement by which a healthcare provider renders treatment in exchange for  
23 a promise of payment for the plaintiff's medical and healthcare expenses from any  
24 judgment or settlement of a civil action to recover damages resulting from injury or death  
25 to a person, regardless of how such arrangement is referred to, the following shall be  
26 relevant and discoverable:

27 (1) A copy of the letter of protection;

28 (2) All charges for the plaintiff's medical and healthcare expenses, which shall be  
29 itemized and, to the extent applicable, coded according to generally accepted medical  
30 billing practices;

31 (3) If the healthcare provider sells the accounts receivable for the plaintiff's medical and  
32 healthcare expenses to a third party at less than the invoice price:

33 (A) The name of the third party; and

34 (B) The dollar amount for which the third party purchased such accounts receivable;  
35 and

36 (4) Whether the claimant was referred for treatment under a letter of protection or other  
37 similar arrangement and, if so, the identity of the person who made the referral.

38 (e) It is the intent of the General Assembly that this Code section abrogates the common  
39 law collateral source rule to the extent necessary to introduce the evidence described in this  
40 Code section; provided, however, that nothing in this Code section shall be construed or  
41 applied to prevent the court from issuing appropriate jury instructions to clarify the role of  
42 collateral source payments and to prevent potential jury confusion regarding the effect of  
43 collateral source payments on the plaintiff's recovery.

44 (f) Nothing in this Code section shall be construed or applied to limit the right of a plaintiff  
45 or defendant to present evidence or testimony, or both, challenging the reasonableness of  
46 medical and healthcare expenses, whether incurred or projected future expenses, or the  
47 medical necessity of any treatment."