

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB21-1300 be amended as follows:

1 Amend printed bill, page 5, strike lines 17 through 25 and substitute:

2 "(2) (a) IN ANY CIVIL ACTION OR CLAIM THAT THE INJURED PERSON
3 ASSERTS AGAINST THIRD PARTIES OR UNDER AN UNINSURED OR
4 UNDERINSURED MOTORIST INSURANCE POLICY:

5 (I) THE AMOUNT PAID BY AN ASSIGNEE OF A HEALTH-CARE
6 PROVIDER LIEN FOR THE ASSIGNMENT AND THE AMOUNTS BILLED BY A
7 HEALTH-CARE PROVIDER UNDER THE LIEN ARE DISCOVERABLE; AND

8 (II) THE AMOUNT PAID BY AN ASSIGNEE OF A HEALTH-CARE
9 PROVIDER LIEN IS NOT ADMISSIBLE INTO EVIDENCE IF THE CHARGES BILLED
10 BY A HEALTH-CARE PROVIDER OR PROVIDERS UNDER THE LIEN ARE
11 REASONABLE, AS DETERMINED IN ACCORDANCE WITH SUBSECTION (2)(b)
12 OF THIS SECTION.

13 (b) (I) THE DETERMINATION OF WHETHER THE CHARGES BILLED BY
14 A HEALTH-CARE PROVIDER OR PROVIDERS UNDER THE LIEN ARE
15 REASONABLE SHALL BE MADE BY THE COURT BASED ON THE
16 PREPONDERANCE OF THE CREDIBLE EVIDENCE PRESENTED. THE COURT
17 SHALL APPLY A REBUTTABLE PRESUMPTION THAT THE CHARGES BILLED
18 ARE REASONABLE. TO OVERCOME THE REBUTTABLE PRESUMPTION, A
19 PARTY MUST PROVE BY A PREPONDERANCE OF THE EVIDENCE THAT THE
20 BILLED CHARGES ARE NOT REASONABLE. IF A PARTY REQUESTS, THE
21 COURT SHALL CONDUCT AN IN CAMERA REVIEW OF THE CHARGES. THE
22 AMOUNT PAID BY THE ASSIGNEE FOR THE HEALTH-CARE PROVIDER LIEN
23 MAY BE SUBMITTED TO THE COURT FOR THE IN CAMERA REVIEW.

24 (II) IN DETERMINING WHETHER THE BILLED CHARGES ARE
25 REASONABLE, THE COURT SHALL CONSIDER CHARGES BILLED BY OTHER
26 HEALTH-CARE PROVIDERS FOR SIMILAR TREATMENT IN THE SAME
27 GEOGRAPHICAL AREA AND THE DIFFERENCE BETWEEN THE BILLED
28 CHARGES AND THE AMOUNT PAID BY THE ASSIGNEE TO ACQUIRE THE LIEN
29 ASSIGNMENT. IF THE COURT DETERMINES THAT THE CHARGES ARE NOT
30 REASONABLE, THE AMOUNT PAID BY THE ASSIGNEE OF THE HEALTH-CARE
31 PROVIDER LIEN IS ADMISSIBLE INTO EVIDENCE.

32 (c) THIS SUBSECTION (2) APPLIES ONLY TO HEALTH-CARE
33 PROVIDER LIENS CREATED ON AND AFTER THE EFFECTIVE DATE OF THIS
34 ARTICLE 27.5.

35 (d) THIS SUBSECTION (2) DOES NOT APPLY TO AN ACTION UNDER
36 THE "UNIFORM CONSUMER CREDIT CODE," ARTICLE 1 OF TITLE 5."

** ** ** *