



447214

LEGISLATIVE ACTION

Senate

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House

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The Committee on Judiciary (Simmons) recommended the following:

**Senate Amendment**

Delete lines 20 - 30  
and insert:

(2) In any claim for damages relating to personal injury to a claimant, evidence regarding the past, present, or future medical expenses must be based on the usual and customary charges in the community where the medical expenses are, or are reasonably probable to be, incurred. With respect to past and present medical expenses, if the claimant is entitled to be reimbursed through any public or private health insurance or



447214

12 governmental health coverage, the amounts paid or payable under  
13 the insurance or governmental health coverage shall be presumed  
14 to be the usual and customary medical charges, unless the  
15 claimant shows that such amounts are inadequate under the  
16 circumstances. With respect to damages for future medical  
17 expenses, evidence of the availability of private or public  
18 health insurance coverage may be considered along with other  
19 relevant evidence. Usual and customary charges may not include  
20 increased or additional charges based on the outcome of the  
21 litigation