

SENATE FLOOR VERSION

February 25, 2025

SENATE BILL NO. 833

By: Daniels

An Act relating to personal injury suits; amending 12 O.S. 2021, Section 3009.1, which relates to medical bills; stating criteria to determine satisfaction of certain financial obligation; authorizing certain admissible amounts in certain circumstances; prohibiting certain retroactivity; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 12 O.S. 2021, Section 3009.1, is amended to read as follows:

Section 3009.1. A. Upon the trial of any civil action arising from personal injury, the actual amounts paid for any services in the treatment of the injured party, including doctor bills, hospital 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 signed statement acknowledged by the medical provider or an authorized representative or sworn testimony that the provider will accept the amount paid as full payment of the obligations, the

1 statement or testimony shall be admitted into evidence. The
2 statement or testimony shall be part of the record as an exhibit but
3 need not be shown to the jury. If a medical provider has filed a
4 lien in the case for an amount in excess of the amount paid, then
5 the bills in excess of the amount paid, but not more than the amount
6 of the lien, shall be admissible.

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

20 C. If no bills have been paid, or no statement acknowledged by
21 the medical provider or sworn testimony as provided in subsections A
22 and B of this section is provided to the opposing party and listed
23 as an exhibit by the final pretrial hearing, then the ~~amount billed~~
24 ~~shall~~ evidence to establish the reasonable value of the treatment

1 provided to the injured party that shall be admissible at trial
2 subject to the limitations regarding any lien filed in the case is
3 limited to the amounts actually necessary to satisfy the financial
4 obligation for medical services or treatment rendered to the
5 plaintiff that have been incurred but not yet satisfied. This
6 evidence may not include any reference to sums that exceed the
7 amount for which the unpaid charges could be satisfied if submitted
8 to any health insurance covering the plaintiff or any public or
9 government-sponsored health care benefit program for which the
10 injured party is eligible, regardless of whether the incurred but
11 not yet satisfied charges have been or will be submitted to the
12 injured party's health insurance or public or government-sponsored
13 health care benefit program.

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

16 SECTION 2. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 3009.2 of Title 12, unless there
18 is created a duplication in numbering, reads as follows:

19 A. Upon the trial of any civil action arising from personal
20 injury, evidence admissible to establish the reasonable value of any
21 necessary future treatment of the injured party not yet incurred,
22 including doctor or other health care provider bills, attendant care
23 bills, hospital bills, ambulance service bills, drug and other
24 prescription or medical equipment bills, bills for materials needed

1 in providing medical care and treatment for the party, and similar
2 bills shall be the amounts actually necessary to satisfy the
3 financial obligation for such treatment. Such evidence may not
4 include any reference to sums that exceed the amount for which the
5 financial obligation for future treatment of the injured party not
6 yet incurred could be satisfied if submitted to any health insurance
7 covering the injured party or any public or government-sponsored
8 health care benefit program for which the injured party is eligible.

9 B. If, at the time of trial, the reimbursement rate allowed by
10 any health insurance covering the injured party or any public or
11 government-sponsored health care benefit program for which the
12 injured party is eligible cannot be determined for any aspect of
13 necessary future treatment of the injured party not yet incurred,
14 then the Medicare reimbursement rates in effect at the time of trial
15 shall be the only amounts admissible at trial to establish the
16 reasonable value of any such necessary future treatment.

17 C. If, at the time of trial, the injured party is not covered
18 by any health insurance and is not eligible for coverage under any
19 private, public, or government-sponsored health care benefit
20 program, the Medicare reimbursement rates in effect at the time of
21 trial shall be the only amounts admissible at trial to establish the
22 reasonable value of any necessary future treatment of the injured
23 party not yet incurred.

1 D. The provisions of this section shall apply to civil actions
2 arising from personal injury filed on or after the effective date of
3 this act.

4 SECTION 3. This act shall become effective November 1, 2025.

5 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
6 February 25, 2025 - DO PASS

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