

**HOUSE BILL No. 2336**

By Committee on Judiciary

2-9

1 AN ACT concerning civil procedure; relating to payments for the cost of  
2 medical care and treatment.

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4 *Be it enacted by the Legislature of the State of Kansas:*

5 Section 1. (a) No evidence of collateral sources or payments made  
6 pursuant to subsection (b) shall be admissible, other than such evidence  
7 provided for in this section.

8 (b) If, prior to trial, a defendant or such defendant's insurer or  
9 authorized representatives pays all or any part of a plaintiff's special  
10 damages, then any portion of a plaintiff's claim for special damages that is  
11 satisfied by such payment from the defendant or such defendant's insurer  
12 or authorized representatives are not recoverable from such defendant.

13 (c) This section does not require the exclusion of evidence admissible  
14 for another proper purpose.

15 (d) (1) Except as provided in subsection (b), parties may introduce  
16 evidence of the actual cost of the medical care or treatment rendered to a  
17 plaintiff or a patient whose care is at issue. Actual cost of the medical care  
18 or treatment shall be reasonable, necessary and a proximate result of the  
19 negligence or fault of any party.

20 (2) For purposes of this subsection, "actual cost of the medical care or  
21 treatment" means a sum of money not to exceed the dollar amounts paid  
22 by or on behalf of a plaintiff or a patient whose care is at issue plus any  
23 remaining dollar amounts necessary to satisfy the financial obligation for  
24 medical care or treatment by a health care provider after adjustment for  
25 any contractual discounts, price reductions or write-offs by any person or  
26 entity.

27 (e) This section shall be part of and supplemental to the code of civil  
28 procedure.

29 Sec. 2. This act shall take effect and be in force from and after its  
30 publication in the statute book.