

**IN THE GENERAL ASSEMBLY  
STATE OF \_\_\_\_\_**

**An Act**

**Regarding Collateral Source Payments in Medical Liability Cases**

1 Be it enacted by the People of the State of \_\_\_\_\_, represented in the General  
2 Assembly:

3 **Section 1.** As used in this Act:

4 (a) Health care provider"\* means any doctor of medicine,  
5 doctor of osteopathy or hospital licensed by this State to  
6 provide health care services, or an officer, employee or  
7 agent thereof acting in the course and scope of  
8 employment.

9 (b) "Health care services" means acts of diagnosis, treatment,  
10 medical evaluation or advice or such other acts as may be  
11 permissible under the health care licensing statutes of this  
12 State.

13 **Section 2.** In any action for damages for injury or death against a health care  
14 provider, whether based upon tort, breach of contract, or otherwise, where the  
15 liability of defendant(s) is admitted or established, a separate hearing shall be held  
16 before the court at which time evidence shall be admissible for consideration on  
17 the question on the question of whether any cost or expense incurred by the  
18 plaintiff(s) for medical care, custodian care, rehabilitation services, loss of earned

1 income or other economic loss has been replaced or indemnified, in whole or in  
2 part, by insurance (excepting life insurance); governmental, employee or service  
3 benefit programs; or any other source, except the assets of the claimant or of the  
4 claimant's immediate family.

5 **Section 3.** If the court determines that any such cost or expenses was replaced  
6 or indemnified from any collateral source, in whole or in part, the court shall  
7 reduce the amount of the plaintiff's award by an amount equal to the difference  
8 between the total amounts received from collateral source, in whole or in part, the  
9 court shall reduce the amount of the plaintiff

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11 \* May designate other health professionals licensed by the State.