

2023 -- S 1040

LC002971

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE --PROCEDURE GENERALLY --
EVIDENCE

Introduced By: Senators LaMountain, F. Lombardi, and McKenney

Date Introduced: May 19, 2023

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 9-19-34.1 of the General Laws in Chapter 9-19 entitled "Evidence"
2 is hereby repealed.

3 ~~**9-19-34.1. Collateral source rule in medical malpractice actions.**~~

4 ~~In the event the defendant so elects, in a legal action based upon a cause of action arising~~
5 ~~after January 1, 1987, for personal injury against a licensed physician, hospital, clinic, health~~
6 ~~maintenance organization, professional service corporation providing health care services under~~
7 ~~chapter 5.1 of title 7, dentist, or dental hygienist based upon professional negligence, the defendant~~
8 ~~may introduce evidence of any amount payable as a benefit to the plaintiff as a result of the personal~~
9 ~~injury pursuant to any state income disability or workers' compensation act, any health, sickness~~
10 ~~or income disability insurance, accident insurance that provides health benefits or income disability~~
11 ~~coverage, and any contract or agreement of any group, organization, partnership, or corporation to~~
12 ~~provide, pay for, or reimburse the cost of medical, hospital, dental, or other health care services.~~
13 ~~Where the defendant elects to introduce such evidence, the plaintiff may introduce evidence of any~~
14 ~~amount which the plaintiff has paid or contributed to secure his or her right to any insurance benefits~~
15 ~~concerning which the defendant has introduced evidence. When such evidence is introduced, the~~
16 ~~jury shall be instructed to reduce the award for damages by a sum equal to the difference between~~
17 ~~the total benefits received and the total amount paid to secure the benefits by the plaintiff or the~~
18 ~~court may ascertain the sum by special interrogatory and reduce the award for damages after~~

1 ~~verdict. Whenever an award is so reduced, the lien of any first party payor who has paid such a~~
2 ~~benefit against the judgment shall be foreclosed and the plaintiff shall have no legal obligation to~~
3 ~~reimburse the payor.~~

4 SECTION 2. This act shall take effect upon passage.

=====
LC002971
=====

EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO COURTS AND CIVIL PROCEDURE --PROCEDURE GENERALLY --
EVIDENCE

- 1 This act would repeal the collateral source rule in medical malpractice actions.
- 2 This act would take effect upon passage.

=====
LC002971
=====