

March 4, 2009

H 415. COLLATERAL SOURCE EVID. ADMISSABLE/MED MAL. Filed 3/4/09. *TO ALLOW JURIES TO CONSIDER EVIDENCE OF CERTAIN COLLATERAL SOURCE PAYMENTS IN MEDICAL MALPRACTICE ACTIONS.*

Enacts new GS 90-21.18A requiring the court in a medical malpractice action to allow into evidence, if requested by a defendant, collateral source payments paid to or for the benefit of the plaintiff, or that are otherwise available to the plaintiff, related to the losses or damages alleged in the medical malpractice action. Requires the court to allow into evidence rights of subrogation of any collateral source if it is requested by the plaintiff. Amends GS 90-21.11 to define *collateral source payments* as a payment for an expense for which recovery is permitted in a medical malpractice action that is made to or for the benefit of a plaintiff or is otherwise available to the plaintiff, (1) for medical expenses and disability payments under specified acts or any other public program, (2) under any health, sickness, or income disability insurance or automobile accident insurance that provides health benefits or income disability coverage, and any other similar insurance benefits available to the plaintiff, except life insurance, (3) under any contract or agreement to provide, pay for, or reimburse the costs of hospital, medical, dental, or health care service, (4) under any wage continuation plan provided by an employer or other system intended to provide wages during a period of disability, or (5) from any other source. Excludes from collateral source payments gifts, gratuitous contributions or assistance, or payments arising from assets of the plaintiff. Makes technical changes. Effective for causes of actions arising on or after December 1, 2009.

Intro. by Rapp.

GS 90