

ADOPTED



15

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 542

AMENDMENT NO. 1
(to be filled in by
Principal Clerk)

H542-ATG-154 [v.4]

Page 1 of 2

Comm. Sub. [NO]
Amends Title [NO]
Second Edition

Date 6/1, 2011

Representative Rhyne

1 moves to amend the bill on page 1, lines 6-19, by rewriting those lines to read:

2 "SECTION 1.1. Article 4 of Chapter 8C of the General Statutes is amended by
3 adding a new section to read:

4 "**Rule 414. Evidence of medical expenses.**

5 Evidence offered to prove past medical expenses shall be limited to evidence of the
6 amounts actually paid to satisfy the bills that have been satisfied and evidence of the amounts
7 actually necessary to satisfy the bills that have been incurred but not yet satisfied. This rule
8 does not impose upon any party an affirmative duty to seek a reduction in billed charges to
9 which the party is not contractually entitled."

10 SECTION 1.2. G.S. 8-58.1 reads as rewritten:

11 "**§ 8-58.1. Injured party as witness when medical charges at issue.**

12 (a) Whenever an issue of hospital, medical, dental, pharmaceutical, or funeral charges
13 arises in any civil proceeding, the injured party or his guardian, administrator, or executor is
14 competent to give evidence regarding the amount paid or required to be paid in full satisfaction
15 of such charges, provided that records or copies of such charges showing the amount paid or
16 required to be paid in full satisfaction of such charges accompany such testimony.

17 (b) The testimony of such a person pursuant to subsection (a) of this section establishes
18 a rebuttable presumption of the reasonableness of the amount paid or required to be paid in full
19 satisfaction of the charges. However, testimony given in person before the trier of fact
20 by the provider of hospital, medical, dental, pharmaceutical, or funeral services that a charge
21 that has not yet been satisfied in full can be satisfied for an amount less than the amount
22 charged, or that a charge that has been satisfied in full was satisfied by payment of an amount
23 less than the amount charged, rebuts the presumption and establishes a rebuttable presumption
24 that the lesser satisfaction amount is the reasonable amount of the charges for such hospital,
25 medical, dental, pharmaceutical, or funeral services. For the purposes of this subsection, the
26 word "provider" shall include the agent or employee of a provider of hospital, medical, dental,
27 pharmaceutical or funeral services, or a person with responsibility to pay a provider of hospital,
28 medical, dental, pharmaceutical or funeral services on behalf of an injured party.

29 (c) The fact that a provider charged for services provided to the injured person
30 establishes a rebuttable presumption that the services were reasonably necessary."".

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NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 542

AMENDMENT NO. 13
(to be filled in by
Principal Clerk)

H542-ATG-154 [v.4]

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SIGNED [Signature]
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED 110-0 EV FAILED _____ TABLED _____
(adj)

JUN 01 2011
Senise Weeks

ADOPTED