

# **Louisiana Property and Casualty Insurance Commission**

**Annual Report 2019 – 2020**



**Louisiana Department of Insurance  
James J. Donelon, Commissioner**

Louisiana Department of Insurance

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# Louisiana Property and Casualty Insurance Commission

## Message from the Chairman

I am pleased to present the 2019-2020 Annual Report of the Louisiana Property & Casualty Insurance Commission (LPCIC). The commission is a blue-ribbon panel created by statute and appointed by the governor, the legislature, the commissioner of insurance, and member groups. The membership represents consumers, the insurance industry, state government agencies, and law enforcement. Its goal is to improve the state's insurance market by reviewing and examining issues affecting the availability and affordability of property and casualty insurance.

While Louisiana currently has the second highest personal auto insurance rates in the nation, in view of Michigan's 2019 insurance reforms,<sup>\*</sup> it will not be long before Louisiana has the highest rates in the nation if we fail to act. The average Louisiana auto insurance premium per vehicle is \$2,298. Maine has the lowest rates in the nation at \$845. Louisiana auto insurance rates are a whopping \$841<sup>†</sup> higher than the national average (per vehicle).

As if Louisiana's personal auto insurance market were not bad enough, Louisiana's commercial auto insurance market is in far worse condition, with some premiums increasing tenfold for trucking operations in a single year. Louisiana's commercial auto insurance market is in crisis, with businesses shutting down or leaving the state as a result of not being able to obtain or afford auto insurance.

While our infrastructure and roads need major improvement, and contribute to the problem, our state is also one of the most litigious in the nation. Unfortunately, the commission has been recommending tort reform for many years without being heard, and, now, the results of the recent election reflect the public outcry for change.

Of course, distracted driving continues to be a major contributor to the number of roadway deaths and injuries suffered by our citizens, and the commission has also been recommending legislative action to address that problem for years.

Insurance fraud and profiteering will proliferate and overwhelm Louisiana's tort system if bold action is not taken. Unscrupulous medical providers are submitting medical bills that are sometimes as high as 12 times the Medicare allowance whereas 2 to 3 times the Medicare allowance represents a fair profit for the same procedure. Litigation finance is a source of abuse and has become a tool for attorney and medical provider profiteering. This must stop.

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<sup>\*</sup> <http://legislature.mi.gov/doc.aspx?2019-SB-0001>

<sup>†</sup> According to Market Value

As you will see from this report, we recommend bold action in the form of legislative proposals to fix the problem. These proposals are led by reforms to the collateral source rule to address system-created windfalls and to better control unscrupulous profiteering. Recommended legislation also takes aim at curbing Distracted Driving. The commission also supports infrastructure and road improvement.

The commission further recommends that the legislature encourage the development and deployment of driverless vehicle technology, following the lead of Arizona and California, by welcoming and encouraging the autonomous vehicle industry to our state. Louisiana needs to ensure that the state's regulatory regime is coordinated and updated to accommodate these latest developments in vehicle technology, and to encourage rapid adoption. With human error accounting for 94%\* of all auto accidents, early adoption of these technologies has the potential to make distracted driving a thing of the past, and to dramatically reduce accident frequency and severity.

As chairman of this commission, I have become disheartened by our failure to accomplish tort reform after making many of these same recommendations for many years. And while I sincerely hope these recommendations will result in reforms during the upcoming legislative session, I feel that I as chairman, have done everything in my power to encourage these reforms that every reasonably informed and non-biased person familiar with our tort system understands. I will therefore be stepping down as chairman at the end of this 2020 Legislative Session and will pass the gavel to the next generation.

The Louisiana Property and Casualty Insurance Commission respectfully requests your support and backing for these recommended and long overdue reforms.

Louis G. Fey, Jr., CPCU, CIC, CRM, AIC  
Chairman

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\* According to NHTSA

## Membership and Staff

### Members of the Louisiana Property and Casualty Insurance Commission as of January 31, 2020:

**Louis G. Fey, Jr., Chairman**  
Professional Insurance Agents of Louisiana

**Noble Ellington**  
Designee—Office of the Governor

**Kirk Talbot**  
Senate Insurance Committee Chair

**Mike Huval**  
House Insurance Committee Member

**Raymond Aleman, Jr.**  
Commissioner of Insurance Appointee

**Sheral Kellar**  
Asst. Secy., Office of Workers' Compensation

**Earl Taylor**  
Louisiana District Attorneys Association

**Michael Guy**  
Designee—Office of the Attorney General

**Julius W. "Will" Grubbs, Jr.**  
Consumer Representative, Speaker of the House

**Marc Carter**  
LAFAC, Inc. Representative

**Shawn Collins**  
NAMIC Representative

**Joe O'Connor**  
Property Insurance Association of Louisiana  
Representative

**Staff:** Thomas D. Travis, Director

**Jeff Albright, Vice Chairman**  
Independent Insurance Agents & Brokers of Louisiana

**James J. Donelon**  
Commissioner of Insurance

**Vacant**  
Senate Insurance Committee Member

**Vacant**  
House Insurance Committee Member

**Lisa Freeman**  
Louisiana Highway Safety Commission

**Karen St. Germain**  
Commissioner of Motor Vehicles

**Gregory Champagne**  
Law Enforcement Representative (Sheriff of St. Charles)

**Ron Henderson**  
Deputy Commissioner of Consumer Advocacy

**Christopher S. Haik**  
Consumer Representative, President of the Senate

**Leslie Sallean**  
Louisiana Surplus Lines Association Representative

**Noryn Ward**  
APCIA Representative

**Paul Buffone**  
LWCC Representative

## **State of the Market: Quick Facts (as of December 31, 2019)**

### **Automobile:**

- The voluntary market for private passenger auto (PPA) insurance is stable but critical, with Louisiana consistently ranking second only to Michigan in the cost of PPA insurance.
- The voluntary market for commercial auto (CA) insurance is in crisis.
- There is a lack of competition in CA, especially for commercial trucking programs.
- Market-wide insurance premium changes for 2019:
  - PPA: 1.4% decrease following a 2.1% increase in 2018
  - CA: 6.7% increase following a 7.2% increase in 2018
- The Greater New Orleans and Baton Rouge areas continue to pay the highest rates.

### **Homeowners':**

- The voluntary market remains competitive after its re-establishment after 2005.
- The market is stable with 28 new insurers writing in Louisiana since 2005.
- Citizens' residual market share for the homeowners' market decreased from 9.8% to 0.4% since 2008—a 95% decrease in the homeowners' market share since 2008.\*
- Statewide average market-wide homeowner insurance premium increase of only 1.6% in 2019 following 0.7% in 2018.
- Louisiana ranked first in the average cost of homeowners' insurance in 2017 at \$1,968; Florida ranked second at \$1,951; Texas ranked third at \$1,893 according to the most recent NAIC data.
- Homeowners' rate increases from 2008-2017 were at a slightly lower rate (40.1%) than the national average (45.9%) during that period.

### **Workers' Compensation:**

- Claim frequency has decreased in recent years.
- Medical severity of claims has not decreased.
- Statewide 8.4% decrease in NCCI loss costs approved for 2020 after a 5.6% decrease in 2019.
- Over the last 10 years, workers' compensation loss costs have decreased by 20%.
- Over the last 20 years, workers' compensation loss costs have decreased by 55%.

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\* This market share is the homeowner line of business and does not include insurance under fire or allied lines (e.g. wind only).

## **History and Purpose of the LPCIC**

In 1997, the Louisiana Legislature created the Council on Automobile Insurance Rates and Enforcement (CAIRE) whose thorough studies of automobile insurance and enforcement issues led the legislature to expand CAIRE's areas of study in 2001 to homeowners' and workers' compensation insurance and to name it the Louisiana Property and Casualty Insurance Commission (Act 187 of the 2001 Regular Session).

The primary purpose of the commission is "to review and examine the availability and affordability of property and casualty insurance in the state of Louisiana."

Act 590 of the 2003 Regular Session amended the LPCIC membership, which then consisted of 22 members. A representative of law enforcement selected jointly by the superintendent of the Louisiana State Police, the secretary of the Department of Public Safety and Corrections, the president of the Louisiana Association of Chiefs of Police and the president of the Louisiana Sheriffs' Association serves on the commission. The Act also added Representatives of two national trade organizations and one state organization to the membership.

Act 459 of the 2007 Regular Session abolished the Louisiana Insurance Rating Commission effective January 1, 2008 and provided an appointee for the commissioner of insurance.

Act 317 of the 2012 Regular Session provided for two additional members of the LPCIC—the deputy commissioner of insurance for consumer advocacy and a representative of the Louisiana Surplus Lines Association.

Act 223 of the 2014 Regular Session added another member—a representative of the National Association of Mutual Insurance Companies (NAMIC).

The LPCIC now consists of 24 members.



## Recommendations for 2020

### 1. Uniform Construction Code

*The LPCIC recommends the maintenance and strengthening of the Louisiana State Uniform Construction Code.*



The elevated house that the owners call the Sand Palace, on 36th Street in Mexico Beach, Fla., came through Hurricane Michael almost unscathed. Johnny Milano for The New York Times \*

The above is an example of what building to high standards can achieve in the most adverse of conditions.

The commission has no specific proposals at present, but it supports the efforts of the State Uniform Construction Code Council and the state fire marshal to maintain and strengthen the code.

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\* Mazzei, P. (2018, October 14). Among the Ruins of Mexico Beach Stands One House Built ‘for the Big One.’ *New York Times*. Retrieved from <https://www.nytimes.com/2018/10/14/us/hurricane-michael-florida-mexico-beach-house.html>

## 2. Highway Safety

*The LPCIC recommends that the legislature ban the manual use of a wireless telecommunications device by the operator of a motor vehicle.*

A recommendation for legislation is at Appendix C.

The commission's recommendation is for legislation that builds upon Rep. Huval's HB 229 of the 2019 Regular Session and HB 619 of the 2018 Regular Session. It draws upon laws and bills from several states that have enacted such bans. It includes a provision to prohibit a law enforcement officer from seizing or searching a wireless telecommunications device merely because of it may have been used while driving. It also provides for issuing written warnings only before January 1, 2021 to provide a transition period and education about the new law.

The commission also supports other highway safety initiatives and, in the past, has made specific recommendations on topics such as seat belt fines and enforcement that have been enacted. The commission has received presentations over the last several years that indicate that infrastructure and road conditions contribute to motor vehicle accidents and litigation, which in turn affect insurance costs. The commission supports action to address infrastructure and road repair and improvements.

## 3. Civil Justice Reforms

*The LPCIC recommends that the legislature:*

- *Reduce the civil jury threshold to \$5,000.*

There are 14 states with a civil jury trial threshold. Louisiana is the highest at \$50,000. Maryland is a distant second at \$15,000, followed by Rhode Island and Hawaii at \$5,000. Thirty-six states have no threshold. In Louisiana, a judge alone hears lawsuits below the threshold, without the option of a jury trial.

- *Amend the direct action statute to limit the instances for naming an insurer as a defendant to those where the insured is unable to be served with process.*

Louisiana remains the only state in the Union with a pure direct action statute. The result is that only in Louisiana, may a plaintiff name an insurance company as a defendant in a lawsuit in addition to, or sometimes in lieu of, the insured. The exposure of the insurer as a defendant to the jury creates a deep pocket target that is prejudicial, and that would result in a mistrial in most other jurisdictions. The existence or non-existence of insurance has absolutely nothing to do with who is a fault, or what damage resulted, the only two factors a jury should consider. This statute, unique to Louisiana, has been identified as a liability insurance cost driver.

- *Modify the collateral source rule to limit the ability of a plaintiff to recover damages for expenses that are not due or payable pursuant to a healthcare provider agreement with an insurer or other health coverage issuer.*

A recommendation for legislation is at Appendix C.

The commission received a presentation from Matthew Nowlin of the Keiser Law Firm, PLC regarding the collateral source rule in Louisiana. See Appendix D.

The commission also received a presentation from John Kocke, the president of CoreCare Management, on the medical costs and their relationship to the amounts billed and discounted by healthcare providers. See Appendix E.

“Under the collateral source rule, a tortfeasor may not benefit, and an injured plaintiff’s tort recovery may not be reduced, because of monies received by the plaintiff from sources independent of the tortfeasor’s procurement or contribution.” *Hoffman v. 21st Century North American Insurance Co.*\*

Many states have some form of the collateral source rule, but most have limited it legislatively or jurisprudentially to address the current state of affairs where legal and conventional fee schedules more accurately reflect the amounts that health care providers accept pursuant to law or contract. An excellent discussion of this phenomenon is in *Hospital Chargemaster Insanity*,<sup>†</sup> a law review article that examines medical billing and its effects on the health care system at large. Although it is a component of rising health insurance costs, medical billing practices have major effects on the liability and workers’ compensation insurance systems as well. In the liability system, the inflation of damages creates an occasionally substantial windfall accruing to the personal injury plaintiff when the collateral source rule applies.

Louisiana courts have limited some aspects of the collateral source rule in the context of workers’ compensation and Medicaid payments to healthcare providers. The courts have noted that the common law collateral source rule is an “exotic” in Louisiana’s Civil Law system. Many states have enacted statutes to conform the collateral source rule to the reality of the disparity between the “usual and customary” rates that providers charge for healthcare services and the “usual and customary” payments that they routinely accept pursuant to law or contract.

- *Amend La. C.C.P. art. 1812(C)(4) to provide for only one written finding of general damages for each plaintiff on a special verdict form.*

A recommendation for legislation is at Appendix C.

- *Amend La. R.S. 32:295.1(E) to admit seat belt use as evidence of comparative negligence.*

A recommendation for legislation is at Appendix C.

The commission’s recommendation adopts the language of Sen. Hewitt’s SB 148 of the 2019 Regular Session. Seat belt use has been a legal and societal norm for many years. The inability to admit evidence of seat belt nonuse in a civil trial prejudices the ability of a civil defendant to make a claim for comparative fault in determining damages.

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\* *Hoffman v. 21st Century North American Insurance Co.*, 14-2279 (La. 10/02/15), 209 So. 3d 702

† George A. Nation III *Hospital Chargemaster Insanity: Healing the Healers*, 43 Pepp. L. Rev. 745 (2016)  
Available at: <http://digitalcommons.pepperdine.edu/plr/vol43/iss3/2>

- *Amend La. C.E. art. 411 to prohibit reference to the name of an insurer or the retention of counsel by an insurer in a civil proceeding involving an insurer that issues a policy to a party to the suit.*
- *Amend C.C.P. art. 966 to permit certain evidence in rebuttal to opposition to a motion for summary judgment.*

A recommendation for legislation is at Appendix C.

- *Amend the Code of Evidence to permit force of impact evidence in personal injury cases.*

A recommendation for legislation is at Appendix C.

There is inconsistency in the admission of force-of-impact evidence in the decisions of the courts of appeal. This proposal would address that inconsistency.

- *Amend the Code of Evidence to require documentary evidence of past lost wages to support a claim for that element of damages.*

A recommendation for legislation is at Appendix C.

- *Amend C.E. art. 408 to permit evidence of settlement to show why a party is not a defendant in a civil action.*

A recommendation for legislation is at Appendix C.

#### **4. Opioid Abuse**

*The LPCIC recommends the establishment of a closed drug formulary, to be selected by the Office of Workers' Compensation Administration, for use in the state's workers' compensation system in order to facilitate the safe and appropriate use of prescription drugs in the treatment of work-related injury and occupational disease.*

## **Study Issues for 2020**

### **1. Insurance and Technology**

*The LPCIC will monitor and study issues related to the effects of technology on the business of insurance and insurance coverage.*

### **2. Cybersecurity and Insurance**

*The LPCIC will continue to monitor and study issues related to cybersecurity and insurance.*

### **3. Highly Automated Vehicles (HAV) and Driverless Vehicles**

*The LPCIC will study regulatory and insurance issues that arise with the development of driverless vehicles.*

### **4. Federal and International Actions Affecting Insurance and Insurance Regulation**

*The LPCIC will monitor and study the effects of federal laws and regulations and international actions on the affordability and availability of property and casualty insurance.*

### **5. Automobile Insurance Market**

*The LPCIC will study the automobile insurance market to determine solutions to the problems with availability and affordability of private passenger and commercial automobile insurance.*

### **6. Reference Based Pricing of Medical Expenses**

*The LPCIC will study the issue of medical expenses in property and casualty insurance. It will look at options to define what is a reasonable and necessary medical expense as an element of damages in matters of personal injury.*

### **7. Bad Faith**

*The LPCIC will study the current laws and cases addressing the issue of bad faith in the adjustment of claims and make recommendations.*

## Appendix A

### Meeting Agendas

- Agenda for November 14, 2019
- Agenda for December 19, 2019
- Agenda for January 16, 2020

**Louisiana Property and Casualty Insurance Commission**  
**Notice of Meeting and Agenda**  
**Thursday, November 14, 2019 at 10:00 A.M.**  
**Department of Insurance—Plaza Hearing Room—Poydras Building**

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- I. Call to Order—Chairman**
- II. Roll Call—Director**
- III. Discussions and Presentations**
  - A. Review of 2019 Legislative Session by Commission Staff**
  - B. Submission of Topics for 2020 Recommendations from Members and the Public**
    - 1. 2019 Recommendations**
    - 2. LIGA Tort Reform Ideas**
    - 3. Additional Topics from Members and the Public**
- IV. Any Other Matters and Public Comments**
- V. Dates for Future Meetings—December 19, 2019, and January 16, 2020. All at 10:00 a.m. in the Plaza Hearing Room, Poydras Building, 1702 N. Third Street, Baton Rouge (Louisiana Department of Insurance).**
- VI. Adjournment**

**Louisiana Property and Casualty Insurance Commission**  
**Notice of Meeting and Agenda**  
**Thursday, December 19, 2019 at 10:00 A.M.**  
**Department of Insurance—Plaza Hearing Room—Poydras Building**

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- I. Call to Order—Chairman**
- II. Roll Call—Director**
- III. Discussions and Presentations**
  - A. John Kocke, President, CoreCare Management, on billed medical costs and challenging unreasonable charges (20-30 mins)**
  - B. Matt Nowlin, Attorney, Keiser Law Firm, on recent cases involving the Collateral Source Rule (20-30 mins)**
  - C. Lou Fey, Chairman, will lead a discussion of and presentation of suggested legislation on various rules of evidence, civil procedure, tort law, and related matters:**
    - a. reference based pricing as the standard of reasonable medical expenses**
    - b. mandatory submission to payors—health plans, workers’ compensation, etc.**
    - c. seat belt evidence and comparative fault**
    - d. life care planning**
    - e. jury verdict forms**
    - f. “no pay, no play”**
    - g. rebuttal evidence in summary judgment motions**
    - h. federal rule on offers of judgment**
    - i. loser payment of expert fees and costs**
    - j. litigation finance reform**
    - k. force of impact issues in personal injury**
    - l. empty chair defendants**
    - m. proof of lost wages**
- IV. Any Other Matters and Public Comments**
- V. Dates for Future Meeting—January 16, 2020, at 10:00 a.m. in the Plaza Hearing Room, Poydras Building, 1702 N. Third Street, Baton Rouge (Louisiana Department of Insurance).**
- VI. Adjournment**



**Louisiana Property and Casualty Insurance Commission**  
**Notice of Meeting and *Revised* Agenda**  
**Thursday, January 16, 2020 at 10:00 A.M.**  
**Department of Insurance—Plaza Hearing Room—Poydras Building**

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- I. Call to Order—Chairman
- II. Roll Call—Director
- III. Discussions and Presentations
  - A. Discussion of and voting on recommendations for the Annual Report. (The following list of topics is drawn from the 2019 recommendations this year’s meetings. Members may propose additions, deletions, or amendments. The public may comment before each vote.)
    - 1. Uniform Construction Code. The LPCIC recommends the maintenance and strengthening of the Louisiana State Uniform Construction Code.
    - 2. Highway Safety. The LPCIC recommends that the legislature ban the manual use by the operator of a motor vehicle while in motion of all electronic devices not permanently installed in the vehicle.
    - 3. Civil Justice Reforms. The LPCIC recommends that the legislature:
      - a) Reduce the civil jury threshold.
      - b) Repeal the direct action statute or amend it to limit the instances for naming an insurer as a defendant to those where the insured is unable to be served with process.
      - c) Modify the collateral source rule to limit the ability of a plaintiff to recover damages for expenses that are not due or payable when there is a write-off pursuant to a healthcare provider agreement with an insurer or other health coverage issuer.
      - d) Amend La. C.C. P. art. 1812(C)(4) to provide for only one written finding of each of the following: general damages; past lost wages, future lost wages for each plaintiff on a special verdict form.
      - e) Amend La. R.S. 32:295.1(E) to admit seat belt use as evidence of comparative negligence.
      - f) Amend La. C.E. art. 411 to prohibit the reference to the name of an insurer or the retention of counsel by the insurer in a civil proceeding involving an insurer that issues a policy to a party to the suit.
      - g) Amend La. R.S. 32:866(A) to prohibit the recovery of general damages for an owner or operator of a motor vehicle who fails to maintain

compulsory liability insurance.

h) Amend C.C.P. art. 966 to permit certain evidence in rebuttal to opposition to motion for summary judgment.

i) Amend the Code of Evidence to permit force of impact evidence in personal injury cases.

j) Amend the Code of Evidence to require documentary evidence of past lost wages to support a claim for that element of damages.

k) Amend C.E. art. 408 to permit evidence of settlement to show why a party is not a defendant in a civil action.

l) Enact a statute to set a maximum fee for medical services rendered for bodily injuries sustained in a motor vehicle accident.

4. Opioid Abuse. The LPCIC recommends that the legislature enact a requirement for the use of a closed pharmacy formulary in workers' compensation claims.

B. Discussion and voting on study topics for the coming year.

1. Insurance and Technology. The LPCIC will monitor and study issues related to the effects of technology on the business of insurance and insurance coverage.

2. Cybersecurity and Insurance. The LPCIC will continue monitor and study issues related to cybersecurity and insurance.

3. Highly Automated Vehicles (HAV) and Driverless Vehicles. The LPCIC will study regulatory and insurance issues that arise with the development of driverless vehicles.

4. Federal and International Actions Affecting Insurance and Insurance Regulation. The LPCIC will monitor and study the effects of federal laws and regulations and international actions on the affordability and availability of property and casualty insurance.

5. Automobile Insurance Market. The LPCIC will study the automobile insurance market to determine solutions to the problems with availability and affordability of private passenger and commercial automobile insurance.

IV. Any Other Matters and Public Comments

V. Adjournment

## Appendix B

### Meeting Minutes

- Minutes for November 14, 2019
- Minutes for December 19, 2019
- Minutes for January 16, 2020

**LOUISIANA PROPERTY & CASUALTY INSURANCE COMMISSION**  
**MEETING MINUTES**

**THURSDAY – 14 NOVEMBER 2019 at 10:00AM**

**LOUISIANA DEPARTMENT OF INSURANCE | PLAZA HEARING ROOM | POYDRAS BUILDING**

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Present were the following:

MEMBERS: Lou Fey [Chairman], Jeff Albright [Vice Chairman], Ray Aleman, Jr., Marc Carter Will Grubbs, Michael Guy, Joe O'Connor, Rep. Kirk Talbot, Noryn Ward, Chris Haik, Jamie Bourg for Paul Buffone, Pat Bell for Ron Henderson, Jessica Bedwell for Lisa Freeman

LDI STAFF: Tom Travis, Warren Byrd, Michelle Johnson, Nick Lorusso

The Chairman called the meeting to order at 10:00AM

The Director called the roll and reported the presence of a quorum.

The Commission discussed the following bills from the 2019 Legislative Session.

Act 232 - Authorizes commercial motor vehicles to operate without a conventional driver physically present if the vehicle meets certain criteria including vehicle liability coverage no less than \$2 million. Effective 01 August 2019

HB 229 – Modifies provisions applicable to the use of a wireless communication device while operating a motor vehicle. *Reconsideration in 2020.*

HB 361 – Changes percentage of the avails of the surplus line insurance tax deposited into the state general fund, and the percentage avails of the tax deposited into the Fire Marshal Fund.

HB 372 – Increases the general one-year prescriptive period for delictual actions to a two-year prescriptive period, reduces the threshold for a jury trial to \$5,000, provides for reduced damages for amounts paid or payable from collateral sources, and repeals the right of direct action against an insurer.

SB 154 – Redesignates cross-references regarding weight and special permits, changes prescriptive period, and provides evidence of liability and damage admissible as authorized in the Louisiana Code of Evidence.

HB 571 – Allows reimbursement of reasonable cost to healthcare providers who purchase plastic and metallic implants or non-autogenous grafts.

ACT 122 – Added post-traumatic stress disorder to the list of injuries compensable for injured public employees.

ACT 286 – Established requirements for transportation network companies like Uber and Lyft.

ACT 397 – Extends current requirements that all persons who actively engage in soliciting, negotiating, or effecting contracts of insurance or renewals are to register with the LDI.

Discussion of potential topics for the 2020 legislative session:

- Distracted driving
- Tort reform
- Collateral sourcing
- Summary judgements and enhanced enforcement
- No pay/no play

There being no objection, Chairman Fey adjourned the meeting at 11:41AM

**LOUISIANA PROPERTY & CASUALTY INSURANCE COMMISSION**  
**MEETING MINUTES**

**THURSDAY – 19 DECEMBER 2019 at 10:00AM**

**LOUISIANA DEPARTMENT OF INSURANCE | PLAZA HEARING ROOM | POYDRAS BUILDING**

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Present were the following:

MEMBERS: Lou Fey [Chairman], Jeff Albright [Vice Chairman], Chris Haik, Rep. Kirk Talbot, Ron Henderson, Rep. Mike Huval, Marc Carter, Leslie Sallean, Joe O'Connor, Will Grubbs, Michael Guy, Noryn Ward, Shawn Collins, Lisa Freeman, Commissioner Jim Donelon

LDI STAFF: Tom Travis, Warren Byrd, Michelle Johnson, Nick Lorusso

The Chairman called the meeting to order at 10:00 AM

The Director called roll and confirmed a quorum

Presentations and discussion topics:

John Kocke with CoreCare - Re: Medical billing

Matt Nowlin, with Keiser Law Firm – Re: Collateral source

Robert Bonnaffons and Louis Bonnaffons with Leake & Anderson

Ralph Aucoin with Perrier & Lacoste

Andrea Albert with Galloway Johnson

- Reference based pricing as the standard of reasonable medical expenses
- Mandatory submission to payers – health plans, workers' compensation, etc.
- Seat belt evidence and comparative fault
- Life care planning
- Jury verdict forms
- "No pay, No Play"
- Rebuttal evidence in summary judgement motions
- Federal rule on offers of judgement
- Loser payment of expert fees and costs
- Litigation finance reform
- Force of impact issues in personal injury
- Empty chair defendants
- Proof of lost wages

There being no objection, Chairman Fey adjourned the meeting at 12:02PM

**LOUISIANA PROPERTY & CASUALTY INSURANCE COMMISSION**  
**MEETING MINUTES**

**THURSDAY 16 JANUARY 2020**

**DEPARTMENT OF INSURANCE | Plaza Hearing Room - Poydras Building**

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Present were the following:

**MEMBERS:** Lou Fey (Chairman), Jeff Albright (Vice Chairman), Rep. Huval, Senator Kirk Talbot, Ray Aleman Jr., Marc Carter, Paul Buffone, Will Grubbs, Michael Guy, Chris Haik, Ron Henderson, Leslie Sallean, Noble Ellington, Joe O'Connor, Sheral Kellar, Noryn Ward, Commissioner Jim Donelon

**LDI STAFF:** Tom Travis, Warren Byrd, Nick Lorusso, Charles Hansberry, Michelle Johnson, John Tobler, Danielle Blanchard, Caroline Fletcher

The Chairman called meeting to order at 10:08AM

The Director called the roll and reported the presence of a quorum.

The Commission discussed and voted on the following recommendations for the Annual Report:

- Strengthen and maintain Louisiana State Uniform Construction Code.—No objection
- Ban the manual use of all electronic devices not permanently installed in an automobile.—No objection
- Change civil jury thresholds to \$5,000.—Opposed by Mr. Ellington and Asst. Secy. Kellar
- Limit instances for naming an insurer as a defendant to those where the insured is unable to be served with process.—No objection
- Modify the collateral source rule to exclude expenses that are not due or payable when there is a write-off pursuant to healthcare provider agreements with an insurer or other health coverage issuer.—No objection
- Create a system of referenced based pricing to establish a benchmark of reasonable medical expenses.—Tabled and made a study topic
- Amend La. C.C. P. art. 1812(C)(4) to provide for only one written finding of each element of damages for each plaintiff on a special verdict form.—No objection
- Amend La. R.S. 32:295.1(E) to admit seat belt use as evidence of comparative negligence. Reference 2019 Legislation SB148 Hewitt.—No objection

- Amend La. C.E. 411 to prohibit the reference to the name of an insurer or the retention of counsel by the insurer in a civil proceeding involving an insurer that issues a policy to a party to the suit.—No objection
- Amend La. R.S. 32:866(A), which prohibits the recovery of certain damages for an owner or operator of a motor vehicle who fails to maintain compulsory liability insurance, by raising the insurance requirements.—Tabled without objection
- Amend C.C.P. art. 966 to permit certain evidence in rebuttal to opposition to motion for summary judgment.—No objection
- Amend the Code of Evidence to permit force of impact evidence in personal injury cases.—No objection
- Amend the Code of Evidence to require documentary evidence of past lost wages to support a claim for that element of damages.—No objection
- Amend C.E. art. 408 to permit evidence of settlement to demonstrate why a party is not a defendant in a civil action.—No objection
- Enact requirements for the use of a closed pharmacy formulary in workers' compensation claims to be selected by the Office of Workers' Compensation Administration.—No objection

No objection to study the following topics in 2020:

- Insurance and Technology: monitor and study issues related to the effects of technology regarding the business of insurance and insurance coverage.
- Cybersecurity and Insurance: monitor and study issues related to cybersecurity and insurance.
- Highly Automated Vehicles and Driverless Vehicles: study regulatory and insurance issues that arise with the development of driverless vehicles.
- Federal and International Actions Affecting Insurance and Insurance Regulation: monitor and study the effects of federal laws and regulations and international actions on the affordability and availability of property and casualty insurance.
- Automobile Insurance Market: study the automobile insurance market to determine solutions to the problems with availability and affordability of private passenger and commercial automobile insurance.
- Referenced based pricing for personal injury medical expenses.
- Issues with bad faith laws and court decisions.

Any Other Matters and Public Comments: Announcement of *LDI Convention 2020* scheduled for March 4 & 5 2020

There being no objection, the Chairman adjourned the meeting at 11:54 AM.



## Appendix C

### Recommendations for Legislation

- Distracted Driving
- Civil Justice Reform
  - Collateral Source Rule
  - Special Jury Verdict Forms
  - Evidence of Safety Belt Use
  - Summary Judgment Rebuttal
  - Evidence of Force of Impact
  - Evidence of Past Lost Wages
  - Evidence of Settlement

Louisiana Property and Casualty Insurance Commission Recommendation  
Distracted Driving

2020 Regular Session

[HOUSE] [SENATE] BILL NO.

BY

TRAFFIC/VIOLATIONS: Prohibits operating a motor vehicle while using wireless telecommunications devices

1 AN ACT

2 To amend and reenact R.S. 32:300.5 and to repeal R.S. 32:300.6, 300.7, and 300.8, relative  
3 to the prohibition of the use of certain wireless telecommunications devices while  
4 operating a motor vehicle; to provide for definitions; to provide for exceptions; to  
5 provide for penalties; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 32:300.5 is hereby amended and reenacted to read as follows:

8 ~~§300.5. Use of certain wireless telecommunications devices for text messaging and~~  
9 ~~social networking prohibited~~

10 ~~A.(1) Except as provided in Subsection B of this Section, no person shall~~  
11 ~~operate any motor vehicle upon any public road or highway of this state while using~~  
12 ~~a wireless telecommunications device to write, send, or read a text based~~  
13 ~~communication. For purposes of this Section, a person shall not be deemed to be~~  
14 ~~writing, reading, or sending a text message if the person reads, selects, or enters a~~  
15 ~~telephone number or name in a wireless telecommunications device for the purpose~~  
16 ~~of making a telephone call.~~

17 ~~(2) No person shall operate any motor vehicle upon any public road or~~

Louisiana Property and Casualty Insurance Commission Recommendation  
Distracted Driving

1 ~~highway of this state while using a wireless telecommunications device to access,~~  
2 ~~read, or post to a social networking site.~~

3 ~~(3)(a) "Wireless telecommunications device" means a cellular telephone, a~~  
4 ~~text messaging device, a personal digital assistant, a stand-alone computer, or any~~  
5 ~~other substantially similar wireless device that is readily removable from the vehicle~~  
6 ~~and is used to write, send, or read text or data through manual input. A "wireless~~  
7 ~~telecommunications device" shall not include any device or component that is~~  
8 ~~permanently affixed to a motor vehicle. It does not include citizens band radios,~~  
9 ~~citizens band radio hybrids, commercial two-way radio communication devices,~~  
10 ~~two-way radio transmitters or receivers used by licensees of the Federal~~  
11 ~~Communication Commission in the Amateur Radio Service, or electronic~~  
12 ~~communication devices with a push-to-talk function.~~

13 ~~(b) "Write, send, or read a text based communication" means using a~~  
14 ~~wireless telecommunications device to manually communicate with any person by~~  
15 ~~using a text-based communication referred to as a text message, instant message, or~~  
16 ~~electronic mail.~~

17 ~~(c) "Access, read, or post to a social networking site" means using a wireless~~  
18 ~~telecommunications device to access, read, or post on such device to any web-based~~  
19 ~~service that allows individuals to construct a profile within a bounded system,~~  
20 ~~articulate a list of other users with whom they share a connection, and communicate~~  
21 ~~with other members of the site.~~

22 ~~B. The provisions of Paragraph (A)(1) of this Section shall not apply to the~~

Louisiana Property and Casualty Insurance Commission Recommendation  
Distracted Driving

1 following:

2 ~~(1) Any law enforcement officer, firefighter, or operator of an authorized~~  
3 ~~emergency vehicle while engaged in the actual performance of his official duties.~~

4 ~~(2) An operator of a moving motor vehicle using a wireless~~  
5 ~~telecommunications device to:~~

6 ~~(a) Report illegal activity.~~

7 ~~(b) Summon medical or other emergency help.~~

8 ~~(c) Prevent injury to a person or property.~~

9 ~~(d) Relay information between a transit or for-hire operator and that~~  
10 ~~operator's dispatcher, in which the device is permanently affixed to the vehicle.~~

11 ~~(e) Navigate using a global positioning system.~~

12 ~~(3) A physician or other health care provider using a wireless~~  
13 ~~telecommunications device to communicate with a hospital, health clinic or the~~  
14 ~~office of the physician, or to otherwise provide for the health care of an individual~~  
15 ~~or medical emergency through a text-based communication.~~

16 ~~C.(1) The first violation of the provisions of this Section shall be punishable~~  
17 ~~by a fine of not more than five hundred dollars.~~

18 ~~(2) Each subsequent violation shall be punishable by a fine of not more than~~  
19 ~~one thousand dollars.~~

20 ~~(3) If the person is involved in a crash at the time of violation, then the fine~~  
21 ~~shall be equal to double the amount of the standard fine imposed in this Subsection~~  
22 ~~and the law enforcement officer investigating the crash shall indicate on the written~~

Louisiana Property and Casualty Insurance Commission Recommendation  
Distracted Driving

1 ~~accident form that the person was using a wireless telecommunications device at the~~  
2 ~~time of the crash.~~

3 ~~(4) Any violation of this Section shall constitute a moving violation.~~

4 ~~§300.8. §300.5. Use of wireless telecommunications devices in school zones~~  
5 ~~prohibited; exceptions~~

6 A. As used in this Section, the following terms shall have the meanings  
7 ascribed to them in this Section, unless the context clearly indicates a different  
8 meaning:

9 (1) "Access, read, or post to a social networking site" means using a wireless  
10 telecommunications device to access, read, or post on such device to any web-based  
11 service that allows individuals to construct a profile within a bounded system,  
12 articulate a list of other users with whom they share a connection, and communicate  
13 with other members of the site.

14 (2) "Engage in a call" means talking or listening during a voice transmission  
15 on a wireless telecommunications device or manually entering names or telephone  
16 numbers to initiate a voice transmission.

17 (3) "Wireless telecommunications device" means a cellular telephone, a text-  
18 messaging device, a personal digital assistant, a stand-alone computer or other  
19 electronic device, or any other substantially similar portable wireless device that is  
20 readily removable from the vehicle and is used to write, send, or read text or data  
21 through manual input, or to create, edit, or view video or other images. A "~~wireless~~  
22 Wireless telecommunications device" shall not mean ~~include~~ any device or

Louisiana Property and Casualty Insurance Commission Recommendation  
Distracted Driving

1 component ~~that is permanently affixed to a motor vehicle, nor shall it mean any.~~ ~~It~~  
2 ~~does not include a hands free wireless telephone, an electronic communication~~  
3 device used hands-free, citizens band radios, citizens band radio hybrids,  
4 commercial two-way radio communications devices, two-way radio transmitters or  
5 receivers used by licensees of the Federal Communication Commission in the  
6 Amateur Radio Service, or electronic communication devices with a push-to-talk  
7 function.

8 (4) "Write, send, or read a text-based communication" means using a  
9 ~~wireless telecommunications device to manually communicate with any person by~~  
10 ~~using a text-based communication including but not limited to a text message,~~  
11 ~~instant message, or electronic mail, or other text-based application to manually~~  
12 communicate with any person.

13 B. (1) Except as provided in Subsection C of this Section, no person shall  
14 operate any wireless telecommunications device while operating a motor vehicle  
15 upon any public road or highway ~~during the posted hours within a school zone on~~  
16 ~~such public road or highway.~~

17 (2) Operating a wireless telecommunications device" ~~shall include means~~  
18 any of the following:

19 ~~(1)~~ (a) Engaging in a call.

20 ~~(2)~~ (b) Writing, sending, or reading a text-based communication.

21 ~~(3)~~ (c) Accessing, reading, or posting to a social networking site.

22 (d) Accessing, viewing, posting, editing, or creating a video, photograph or

Louisiana Property and Casualty Insurance Commission Recommendation  
Distracted Driving

1 other image.

2 (e) Accessing, reading, viewing, composing, browsing, transmitting, saving,  
3 or retrieving electronic data from any application or other media.

4 (f) Using any application or feature of a wireless telecommunications device  
5 by making manual entries of letters, numbers, symbols, commands, or any  
6 combination thereof.

7 (g) Holding or physically supporting a wireless telecommunications device  
8 in either or both hands or with any part of the body, except for an earpiece or headphone  
9 device or a device worn on the wrist to talk or listen during a voice transmission.

10 C. (1) The provisions of Subsection B of this Section shall not apply to any  
11 of the following in the performance of their official duties:

12 (a) A law enforcement officer.

13 (b) A firefighter.

14 (c) An operator of an authorized emergency vehicle.

15 ~~C.~~ (2) The provisions of Subsection B of this Section shall not apply to a  
16 person who uses a wireless telecommunications device ~~and to do~~ does any of the  
17 following:

18 ~~(1)(a) Reports~~ Report a traffic collision, medical emergency, other  
19 emergency, or serious road hazard.

20 ~~(2)(b) Reports~~ Report a situation in which the person believes that a person  
21 his personal safety is in jeopardy of serious injury or death.

22 ~~(3) Reports or averts the perpetration or potential perpetration of a criminal~~

Louisiana Property and Casualty Insurance Commission Recommendation  
Distracted Driving

1 ~~act against the driver or another person.~~

2 (c) Relay information between a transit or for-hire operator, including a  
3 transportation network company driver, and that operator's dispatcher, in which the  
4 device is affixed to the vehicle.

5 (d) View data or images related to navigation of a motor vehicle using a  
6 hands-free global positioning system.

7 ~~(4) (e) Operates~~ Operate a wireless telecommunications device while the  
8 motor vehicle is lawfully stationary or lawfully parked.

9 ~~(5) Uses a wireless telecommunications device in an official capacity as an~~  
10 ~~operator of an authorized emergency vehicle.~~

11 D. (1) Any violation of this Section shall constitute a moving violation.

12 (2)(a) The first violation of the provisions of this Section shall be punishable  
13 by a fine of not more than ~~five~~ one hundred dollars or community service.

14 (b) ~~Each subsequent~~ The second violation shall be punishable by a fine of  
15 not more than ~~one thousand~~ three hundred dollars ~~and a suspension of driver's~~  
16 ~~license for a sixty day period.~~

17 (c) The third violation shall be punishable by a fine of not more than three  
18 hundred dollars and a suspension of the person's driver's license for a period of  
19 thirty days.

20 ~~(e) (d) If a person~~ the operator of a motor vehicle is involved in a ~~collision~~  
21 crash at the time of the violation, ~~then~~ the fine shall be equal to double the amount  
22 of the standard fine imposed in this Subsection. The ~~and the~~ law enforcement officer



Louisiana Property and Casualty Insurance Commission Recommendation  
Distracted Driving

1 investigating the ~~collision~~ crash shall indicate on the written accident report that the  
2 ~~person~~ operator of a motor vehicle was using a wireless telecommunications device  
3 at the time of the collision.

4 (3) ~~Use of a wireless telecommunications device for any purposes provided~~  
5 for in Subsection C of this Section shall be an affirmative defense ~~against to a an~~  
6 ~~alleged violation of this Section in support of which for~~ the operator of a motor  
7 vehicle person to may produce documentary or other evidence ~~that the wireless~~  
8 ~~telecommunications device that is the basis of the alleged violation was used for~~  
9 ~~emergency purposes as provided in Subsection C of this Section.~~

10 (4) For any violation occurring before January 1, 2021, the law enforcement  
11 officer shall only issue a written warning.

12 E. ~~The provisions of this Section shall only apply within a school zone upon~~  
13 ~~a public road or highway during posted hours when signs are located in a visible~~  
14 ~~manner in each direction that indicate the use of a hand held wireless~~  
15 ~~communications device is prohibited while operating a motor vehicle.~~

16 E. Based solely on a violation of this Section, the law enforcement officer  
17 shall not:

18 (1) Seize, search, view, or require the forfeiture of a wireless  
19 telecommunications device.

20 (2) Search or request to search a motor vehicle, motor vehicle operator, or  
21 passenger.

22 (3) Make a custodial arrest except upon a warrant issued for failure to appear

Louisiana Property and Casualty Insurance Commission Recommendation  
Distracted Driving

- 1 in court when summoned or for failure to pay an imposed fine.
- 2 Section 3. R.S. 32:300.6, 300.7, and 300.8 are hereby repealed.

Louisiana Property and Casualty Insurance Commission Recommendation  
Collateral Source Rule

2020 Regular Session

[HOUSE] [SENATE] BILL NO.

BY

CIVIL DAMAGES: Provides relative to the collateral source rule

1 AN ACT

2 To enact R.S. 9:2800.25, relative to compensation for medical expenses incurred; to provide  
3 for definitions; to provide for the recovery of medical expenses as damages in civil  
4 litigation; to provide for limitations in the amount of medical expenses recoverable;  
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 9:2800.25 is hereby enacted to read as follows:

8 §2800.25. Recoverable medical expenses; collateral sources; limitations

9 A. For purposes of this Section “health insurance” means any health insurer,  
10 health maintenance organization, employer sponsored health plan, or workers’  
11 compensation. For purposes of this Section “health insurer” means any provider of  
12 “health insurance” as defined in this Subsection.

13 B. Reductions in medical bills based upon the write-offs or write-downs by  
14 any health insurer are not collateral sources and are therefore not recoverable as  
15 damages in civil litigation. In cases where a plaintiff’s medical expenses have been  
16 paid by health insurance, the plaintiff’s recovery of medical expenses is limited to

Louisiana Property and Casualty Insurance Commission Recommendation  
Collateral Source Rule

1 the amount actually paid to the healthcare provider by the health insurer and not the  
2 amount billed.

3 C. If a plaintiff does not submit medical bills to an available health insurer  
4 for payment, plaintiff's recovery is limited to the amount that would have been paid  
5 by the health insurer had the medical bills been submitted to the health insurer for  
6 payment.

Louisiana Property and Casualty Insurance Commission Recommendation  
Special Jury Verdict Forms

2020 Regular Session

[HOUSE] [SENATE] BILL NO.

BY

CIVIL/DAMAGES: Adds certain elements of damages to special jury verdicts

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 1812 relative to special verdicts in certain  
3 actions for damages; to provide for special written questions with respect damages; and to  
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Civil Procedure Article 1812 is hereby amended and reenacted to read  
7 as follows:

8 Art. 1812. Special verdicts

9 \* \* \*

10 C. In cases to recover damages for injury, death, or loss, the court at the request of  
11 any party shall submit to the jury special written questions inquiring as to:

12 \* \* \*

13 (4) The total amount of special damages and the total amount of general  
14 damages sustained as a result of the injury, death, or loss, expressed in dollars, and if  
15 appropriate, the total amount of exemplary damages to be awarded **itemized as:**

16 **(a) General damages (pain and suffering).**

17 **(b) Past lost wages.**

Louisiana Property and Casualty Insurance Commission Recommendation  
Special Jury Verdict Forms

1           **(c) Future lost wages.**

2           **(d) Past medical expenses.**

3           **(e) Future medical expenses.**

4           **(f) Property damages.**

5   \*           \*           \*

Louisiana Property and Casualty Insurance Commission Recommendation  
Evidence of Safety Belt Use

2020 Regular Session

[HOUSE] [SENATE] BILL NO.

BY

TRAFFIC: Provides relative to safety belts

1 AN ACT

2 To amend and reenact R.S. 32:295.1(E), relative to safety belts; to provide relative to the  
3 relative to the failure to wear a safety belt; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 32:295.1(E) is hereby amended and reenacted to read as follows:

6 §295.1. Safety belt use; tags indicating exemption

7 \* \* \*

8 E. In any action to recover damages arising out of the ownership, common  
9 maintenance, or operation of a motor vehicle, failure to wear a safety belt in violation  
10 of this Section ~~shall not~~ may be considered evidence of comparative negligence.

11 ~~Failure to wear a safety belt in violation of this Section shall not be admitted to~~  
12 ~~mitigate damages.~~

13 \* \* \*

Louisiana Property and Casualty Insurance Commission Recommendation  
Summary Judgment Rebuttal

2020 Regular Session

[HOUSE] [SENATE] BILL NO.

BY

INSURANCE: Provides relative to motions for summary judgment

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 966 relative to motions for summary  
3 judgment; to provide for the submission of additional documents in reply for the purpose  
4 of rebuttal; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Civil Procedure Article 966 is hereby amended and reenacted to read as  
7 follows:

8 Art. 966. Motion for summary judgment; procedure

9 A.(1) \* \* \*

10 (4) The only documents that may be filed in support of or in opposition to the  
11 motion are pleadings, memoranda, affidavits, depositions, answers to interrogatories,  
12 certified medical records, written stipulations, ~~and admissions,~~ and certified records  
13 received through subpoena. The court may permit documents to be filed in any  
14 electronically stored format authorized by court rules or approved by the clerk of the court.

15 B. Unless extended by the court and agreed to by all of the parties, a motion for  
16 summary judgment shall be filed, opposed, or replied to in accordance with the following



Louisiana Property and Casualty Insurance Commission Recommendation  
Summary Judgment Rebuttal

1 provisions:

2 \* \* \*

3 (3) Any reply memorandum shall be filed and served in accordance with Article  
4 1313 not less than five days prior to the hearing on the motion. No additional documents  
5 may be filed with the reply memorandum, except those documents to rebut arguments  
6 made in the opposition memorandum. Further, the reply memorandum may include a  
7 complete certified copy of a deposition that was only partially produced in the opposition  
8 memorandum.

9 \* \* \*

10 D.(1) \* \* \*

11 (2) The court may consider only those documents filed in support of, which  
12 includes the reply, or in opposition to the motion for summary judgment and shall consider  
13 any documents to which no objection is made. Any objection to a document shall be raised  
14 in a timely filed opposition or reply memorandum. The court shall consider all objections  
15 prior to rendering judgment. The court shall specifically state on the record or in writing  
16 which documents, if any, it held to be inadmissible or declined to consider.

17 \* \* \*

Louisiana Property and Casualty Insurance Commission Recommendation  
Evidence of Force of Impact

2020 Regular Session

[HOUSE] [SENATE] BILL NO.

BY

EVIDENCE: Provides relative to evidence of force of impact in personal injury cases

1 AN ACT

2 To enact Code of Evidence Article XXX relative to evidence of force of impact; to provide  
3 that evidence of force of impact may be considered to determine the occurrence or  
4 nature and extent of injury; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Evidence Article XXX is hereby enacted to read as follows:

7 Art. XXX. Force of impact

8 In any claim for personal injury damages, evidence of force of impact may  
9 be considered to determine the causation of an injury or the nature and extent of any  
10 injuries sustained.

11 \* \* \*

Louisiana Property and Casualty Insurance Commission Recommendation  
Evidence of Past Lost Wages

2020 Regular Session

[HOUSE] [SENATE] BILL NO.

BY

EVIDENCE: Provides relative to evidence of past lost wages

1 AN ACT

2 To enact Code of Evidence Article XXX relative to evidence of past lost wages; to provide that  
3 documentary evidence of past lost wages shall be produced to support a claim; and to  
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Evidence Article XXX is hereby enacted to read as follows:

7 Art. XXX. Past lost wages

8 A. Any party making a claim for past lost wages shall introduce documentary  
9 evidence in support of the claim. Any party who fails to produce documentary evidence in  
10 support of a claim for past lost wages shall be precluded from referring in the course of  
11 trial directly or indirectly to any past lost wages, and past lost wages shall not be submitted  
12 to the jury or included on the jury verdict form.

13 B. Documentary evidence to establish past lost wages may include certified tax  
14 records, certified employment records that reflect the wages earned, and certified financial  
15 statements from an accredited depository or bank.

Louisiana Property and Casualty Insurance Commission Recommendation  
Evidence of Settlement

2020 Regular Session

[HOUSE] [SENATE] BILL NO.

BY

INSURANCE: Provides relative to evidence of compromise and offers to compromise

1 AN ACT

2 To amend and reenact Code of Evidence Article 408 relative to evidence of compromise  
3 and offers to compromise; to provide for the admission of evidence of compromise  
4 for the purpose of showing why a party is not a defendant at trial; and to provide for  
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Evidence Article 408 is hereby amended and reenacted to read  
8 as follows:

9 Art. 408. Compromise and offers to compromise

10 A. Civil cases. In a civil case, evidence of (1) furnishing or offering or  
11 promising to furnish, or (2) accepting or offering or promising to accept, anything  
12 of value in compromising or attempting to compromise a claim which was disputed  
13 as to either validity or amount, is not admissible to prove liability for or invalidity  
14 of the claim or its amount. Evidence of conduct or statements made in compromise  
15 negotiations is likewise not admissible. This Article does not require the exclusion  
16 of any evidence otherwise admissible merely because it is presented in the course of

Louisiana Property and Casualty Insurance Commission Recommendation  
Evidence of Settlement

1         compromise negotiations. This Article also does not require exclusion when the  
2         evidence is offered for another purpose, such as proving bias or prejudice of a  
3         witness, negating a contention of undue delay, ~~or~~ proving an effort to obstruct a  
4         criminal investigation or prosecution, or explaining to a jury the reason for a party's  
5         absence as a defendant.

6   \*                 \*                 \*

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

Appendix D

Presentation on the Collateral Source Rule

By

Matthew Nowlin  
Keiser Law Firm, PLC

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# Collateral Source Rule:

Looking backwards and forward



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Presented by  
Matthew Nowlin  
Keiser Law Firm, P.L.C.

December 19, 2019

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# Overview

- **Looking Back:**
  - Competing Theories
  - Origins of Collateral Source Rule in Louisiana
  - Limitations to Collateral Source Rule
- **Current status:** *Simmons v. Cornerstone Investments*
- **Looking forward**
  - Application of *Simmons* beyond workers' compensation



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# Brief Historical Overview: Competing Theories

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- **Civil Code Article 2315:** “Every act whatever of man that causes damage to another obliges him by whose fault it happened to repair it.”
    - Considered the “fountain head” of tort law in Louisiana, rooted in civilian doctrine.
    - Spoiler alert: you will see Article 2315 referenced again.
  - **Collateral Source Rule:** Jurisprudential rule first developed in mid-1800s in common law jurisdictions of the U.S. *See e.g., Althorf v. Wolfe*, 22 N.Y. 355 (1860).
    - Refusal to credit to the benefit of a tortfeasor money or services received in reparation of the injury which emanate from sources other than the tortfeasor.
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# Brief Historical Overview: Origins of CSR in Louisiana

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- *De Roode v. Jahncke Serv., Inc., et al.*  
52 So.2d 736 (La. Ct. App. 5/21/51)
  - **Background:** personal injury lawsuit. Plaintiff was a concrete inspector and sustained bodily injury when large concrete mixing truck backed into him. Workers compensation insurer intervened in suit.
  - **Pertinent Issue on appeal:** whether plaintiff could recover for medical expenses above what workers' compensation statutes allowed, since those benefits were neither paid by nor contracted for by plaintiff and plaintiff was not obligated for these expenses.

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# Brief Historical Overview: Origins of CSR in Louisiana

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- *De Roode v. Jahncke Serv., Inc., et al.*  
52 So.2d 736 (La. Ct. App. 5/21/51)
    - **The Court:** “[Defendants’] contention overlooks the well settled principle that an injured party, or one who sustains a loss as the result of the negligence of another may recover the full amount of his loss from the tort-feasor, even though the loss is partially or wholly made good by an insurer.”
    - The “well-settled principles” the Court looked to were common law doctrines:
      - Subrogor as proper plaintiff to bring action in damages suit (*Dupuy v. Graeme Spring & Brake Service, Inc.*, 17 So.2d 490 (La. Ct. App. 4/3/44), *Hanton v. New Orleans & C.R., Light & Power Co.*, 124 La. 562, 50 So. 544 (La. 1909)).
      - Common law treatises
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# Brief Historical Overview: Origins of CSR in Louisiana

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- Progeny of *De Roode*:

- *Warren v. Fid. Mut. Ins. Co.*, 99 So.2d 382, 385 (La. Ct. App.1957): “the injured person may recover the full amount of his loss from the tortfeasor or his insurer even though the loss is partially or wholly made good by another insurer.”
- *Louisiana Dep’t of Transp. & Dev. v. Kansas City S. Ry. Co.*, 2002-2349 (La. 5/20/03); 846 So.2d 734: “[A] tortfeasor may not benefit, and an injured plaintiff’s tort recovery may not be reduced, because of monies received by the plaintiff from sources independent of the tortfeasors’ procuration or contribution.”

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## Brief Historical Overview: Limitations to CSR

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- *Bozeman v. State*, 03-1016 (La. 7/2/04), 879 So.2d 692
    - **Issue:** Whether CSR applied to medical expenses which were “written off” under Medicaid.
    - “[W]here the plaintiff pays no enrollment fee, has no wages deducted, and otherwise provides no consideration for the collateral source benefits he receives, we hold that the plaintiff is unable to recover the “write-off” amount.”
    - Medicaid is a free medical service; no consideration was given by the plaintiff and plaintiff’s patrimony was not diminished to obtain Medicaid benefits.
    - The Supreme Court found it “unconscionable to permit the taxpayers to bear the expense of providing free medical care to a person and then allow that person to recover damages for medical expenses from a tortfeasor and pocket the windfall.”
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## Brief Historical Overview: Limitations to CSR

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- *Bellard v. Amer. Cent. Ins. Co.*,  
07-1335 (La. 4/18/08), 980 So.2d 654
    - **Issue:** whether an employer's UM carrier was entitled to a credit in the amount of workers' comp payments paid to or on behalf of plaintiff.
    - The Supreme Court, citing back to *Bozeman*, again considered:
      - Whether application of the rule will further the major policy goal of tort deterrence.
      - Whether the victim, by having a collateral source available as a source of recovery, either paid for such benefit or suffered some diminution in his or her patrimony because of the availability of the benefit, such that no actual windfall or double recovery would result from application of the rule.
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## Brief Historical Overview: Limitations to CSR

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- *Cutsinger v. Redfern*, 08-2607 (La. 5/22/09), 12 So.3d 945
  - **Issue:** Whether CSR prevented a plaintiff's UM carrier from receiving credit for workers compensation benefits, even though plaintiff paid for UM coverage herself.
  - **Ruling:** CSR did not apply.
  - **Basis:** Supreme Court determined that CSR does not override principles of solidary liability (between UM carrier and workers' compensation carrier). Supreme Court also noted that plaintiff paid no consideration and her patrimony was not reduced for workers' compensation benefits.

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## Brief Historical Overview: Limitations to CSR

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- *Hoffman v. 21st Century North American Ins. Co.*, 14-2279 (La. 10/2/15), 209 So.3d 702
  - **Issue:** Whether CSR applied to attorney-negotiated medical discounts.
  - **Ruling:** Supreme Court declined to extend CSR to attorney-negotiated medical discounts obtained in litigation.
  - **Basis:** “[A]llowing the plaintiff to recover an amount for which he has not paid, and for which he has no obligation to pay, is at cross purposes with the basic principles of tort recovery in our Civil Code. The wrongdoer is responsible only for the damages he or she has caused.” (citing La. C.C. art. 2315)



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## Brief Historical Overview: Limitations to CSR

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- *Hoffman v. 21st Century North American Ins. Co.*, 14-2279 (La. 10/2/15), 209 So.3d 702 (cont.)
  - **Basis (cont):** “The plaintiff has suffered no diminution of his patrimony to obtain the write-off . . . Any recovery above [the amount paid by plaintiff for MRIs] would amount to a windfall and force the defendant to compensate the plaintiff for medical expenses the plaintiff has neither incurred nor is obligated to pay.”
  - The Supreme Court also rejected plaintiff's argument that consideration for the benefit was provided *via* the contractual obligation of the plaintiff to pay attorney fees in the event of a recovery. Except when authorized by statute or contract, attorney fees are not an additional element of damages to plaintiff's patrimony.

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# Current Status

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- *Simmons v. Cornerstone Investments, LLC, et al*, 2018-0735 (La. 5/8/19), \_\_\_ So.3d \_\_\_ (2019 WL 2041377)
    - **Background:** Plaintiff, Kerry Simmons, was employed by Cintas Corporation No. 2 in Pineville. Plaintiff was injured in 2011 while attempting to close a roll-up rear bay door that had become jammed. Plaintiff began receiving disability and medical benefits through employer's workers compensation provider.
    - Plaintiff subsequently filed tort suit against the owner of the building, Cornerstone Investments, LLC, and Cornerstone's insurer. Plaintiff's employer and workers compensation carrier intervened and asserted right to reimbursement.
    - Plaintiff settled workers' compensation claim with employer in exchange for employer waiving its intervention claim for reimbursement.
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# Current Status

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- *Simmons v. Cornerstone Investments, LLC, et al*, 2018-0735 (La. 5/8/19), \_\_\_ So.3d \_\_\_ (2019 WL 2041377) (cont.)
  - Cornerstone/insurer filed a pre-trial *motion in limine* seeking to exclude evidence of the amount of medical expenses “written off” due to workers’ compensation payments, and to limit evidence of medical payments to only that amount actually paid through employer’s workers compensation carrier.
  - Plaintiff filed competing *motion in limine* claiming seeking to have entire amount of medical bills admitted under CSR.
  - Trial court: granted defendants’ *motion in limine*, denied plaintiff’s competing motion. Third Circuit denied writ 2-1. Plaintiff applied to Supreme Court for *writ of certiorari*.

# Current Status

- *Simmons v. Cornerstone Investments, LLC, et al*, 2018-0735 (La. 5/8/19), \_\_\_ So.3d \_\_\_ (2019 WL 2041377) (cont.)
  - **Issue:** Applicability of CSR to medical expenses “written off” pursuant to Workers’ Compensation reduced fee schedule.
  - Plaintiff’s argument: CSR applies; medical bills were paid by source other than defendant, goal of tort deterrence is furthered, and plaintiff received workers’ compensation benefits in lieu of tort recovery, thereby acting to diminish his [potential] patrimony.
  - Defendants’ argument: CSR does not apply; plaintiff's patrimony was not reduced, as Plaintiff is not and never will be liable for the difference between the charged amount and the amount actually paid, Court should consider not only theory of tort *deterrence*, but also tort *recovery* (i.e. making the victim whole).

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# Current Status

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- *Simmons v. Cornerstone Investments, LLC, et al*, 2018-0735 (La. 5/8/19), \_\_\_ So.3d \_\_\_ (2019 WL 2041377) (cont.)
    - Supreme Court began its analysis by reviewing its previous holdings in *La DOTD, Bozeman, Bellard, Cutsigner*, and *Hoffman*.
    - Court cited with approval a 2016 ruling by U.S. Fifth Circuit in *Deporrodil v. Bozovic Marine, Inc.* 842 F.3d 352 (5<sup>th</sup> Cir. 2016), wherein the Court held that medical expense payments made under the Longshore and Harbor Workers' Compensation Act were considered a "collateral source" *only to the extent actually paid*.
    - Court also cited the purpose of La. C.C. art. 2315 is to make a victim whole, and that recovery by plaintiff for amounts he was never obligated to pay amounts to *punitive damages*.
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# Current Status

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- *Simmons v. Cornerstone Investments, LLC, et al*, 2018-0735 (La. 5/8/19), \_\_\_ So.3d \_\_\_ (2019 WL 2041377) (cont.)
  - *Chauvin v. Exxon Mobil Corp.*, 2014-0808, p. 10 (La. 12/9/14), 158 So.3d 761 (“The general public policy in Louisiana is against punitive damages. . . . Thus, *punitive or other penalty damages are not allowed unless expressly authorized by statute.* And even when a statute does authorize the imposition of punitive damages, it is *strictly construed.*”) (emphasis added.) (internal citations omitted.)
  - **Supreme Court holding:** collateral source does not apply and plaintiff may only recover amounts paid under workers’ compensation fee schedule, but its reasoning was far more broad.

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# Current Status

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- *Simmons v. Cornerstone Investments, LLC, et al*, 2018-0735 (La. 5/8/19), \_\_\_ So.3d \_\_\_ (2019 WL 2041377) (cont.)
  - “The bottom line is that the plaintiffs in [*Bozeman and Hoffman*] did not actually incur, and need not repay, the “written off” amounts at issue. Such amounts are *illusory* in that they are *never statutorily susceptible of being paid by the plaintiffs* . . . Plaintiff did not contribute to his employer's workers' compensation insurance premiums nor did he otherwise pay any consideration for the benefits.”
  - “The discounted rate accurately reflects Plaintiff's compensatory damages, and *anything beyond that rate would amount to punitive damages.*”

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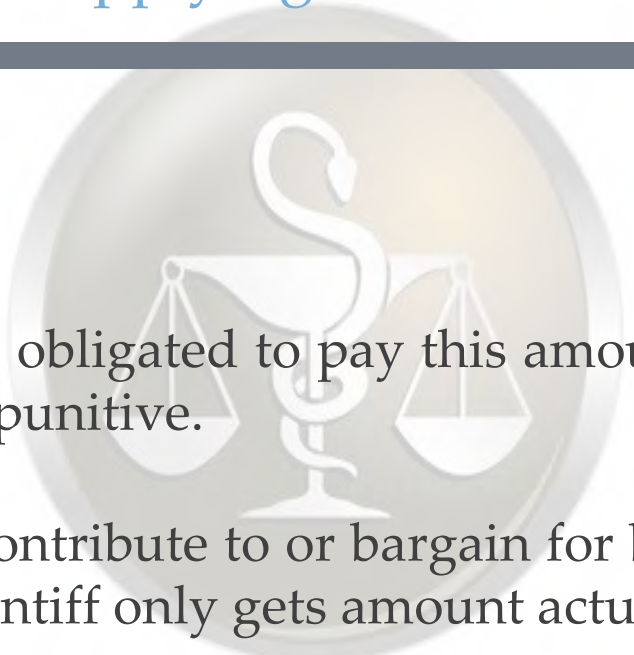
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## Looking forward: *Applying Simmons*

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- Analysis becomes:
  - Will plaintiff ever be obligated to pay this amount? If not, amounts may be illusory and punitive.
  - If yes, did Plaintiff contribute to or bargain for benefit that reduced expenses? If not, plaintiff only gets amount actually paid.
- Unanswered question: should plaintiff's recovery be further reduced by his or her contribution to obtain benefit?



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## Looking forward: Applying *Simmons*

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- Example: *Gaines v. City of Pineville, et al*, Civil Suit No. 261,084; 9<sup>th</sup> JDC; Rapides Parish, LA
    - Plaintiff, a state employee, is injured in a rear-end car accident and treats for approximately six months.
    - Plaintiff's health insurance is through OGB, for which plaintiff pays 25% of monthly premium and the state employer pays the other 75%.
    - Competing valuations:
      - \$14,515.28 in medical *charges* presented by plaintiff at trial (applying collateral source rule)
      - \$10,213.98 actually paid (100% of amount paid by OGB plan and negotiated by attorney). Difference = \$4,301.13
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## Looking forward: Applying *Simmons*

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- Competing valuations (cont):
  - Further reduction of amount paid by percentage in which plaintiff's patrimony was reduced to obtain benefit?
  - \$2,833.94 of plaintiff's medical expenses were paid through OGB plan.
  - Recall, plaintiff paid 25% of monthly premium.
  - $\$2,833.95 \times 0.25 = 708.49$  (rounded up).
  - Otherwise, a plaintiff who receives health insurance through employer can "game" the system by insisting on paying a nominal percent of his or her monthly premium, then in a subsequent tort suit claim the collateral source rule and receive a windfall of the full amount medical *expenses* in a tort suit, regardless of write-off amount.
  - Policy objective of tort deterrence is not met.

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## Appendix E

### Presentation on Medical Billing Issues

By

John E. Kocke, RN, BS, MSN, CCM, CLCP, CMSP  
President, CoreCare Management

And

Data on Hospital Cost to Charge Ratios,  
Percent Mark-up, and Percent Discounted to Payors

# LA Department of Insurance

Medical Billing Issues

Or

How Much is a Loaf of Bread?



Quick Call the Man on the Truck!

# THEODORIC OF YORK— MEDIEVAL BARBER



# World War II – The Real Driver

- Wage and Price Controls
- Union Demands For Benefits
- Rosie the Riveter: Millions of Women Entering Work Force
- Expansion of Health Insurance: True Fee For Service



# Give Em Hell Harry 1945 Proposed Medicare For All, Before There Was Medicare

Truman proposed a "universal" national health insurance program. In his remarks to Congress, he declared, "Millions of our citizens do not now have a full measure of opportunity to achieve and enjoy good health. Millions do not now have protection or security against the economic effects of sickness. The time has arrived for action to help them attain that opportunity and that protection."

It Did Lead to 1<sup>st</sup> SSDI in 1954





# Health Insurance in the 50's



# Medicare Needs

Need for Uniformity

Need for Bulk Processing  
(millions of claims)

Need for “fairness”

Third Party Billing

# Results

- Relative Value Resource Based System (RVRBS) (Harvard Business School)
- Current Procedural Terminology CPT) 1966 (American Medical Association)
- A few years later ICD9- International Classification of Diseases

# What Else Started in the 80's?

The Incredibly Busy ER Turned into Primary Care Clinics



# Cost To Charge Ratios

Facility	Total Costs	Total Charges	C to C Ratio	Per Cent Markup
Control: John Hopkins	\$1,009,207,401	\$1,479,781,409	0.682	147%
Ochsner: Not for Profit	\$747,922,545	\$3,798,072,437	0.197	508%
Rapides Regional: For Profit	\$117,151,820	\$1,750,474,468	0.067	1494%

Rapides Regional Select Services	Total Costs	Total Charges	C to C Ratio	Per Cent Markup
Operating Room	\$15,730,459	\$300,413,192	0.0524	1910%
Recovery Room	\$1,477,770	\$45,669,845	0.0324	3090%
Anesthesiology	\$494,329	\$82,235,476	0.006	16636%
CT Scans	\$2,095,105	\$206,785,012	0.0101	9870%

# THE MORE THEY CHARGE – THE MORE THEY DISCOUNT

John Hopkins Hospital	
Total Patient Revenue	\$2,439,694,232
Contractual Allowance (Discounts)	\$398,374,785
Net Patient Revenues	\$2,041,319,447
Percent Discount	16%

Rapides Medical Center	
Total Patient Revenue	\$2,210,320,046
Contractual Allowance (Discounts)	\$1,967,832,731
Net Patient Revenues	\$242,487,315
Percent Discount	89%

Ochsner New Orleans	
Total Patient Revenue	\$5,120,161,405
Contractual Allowance (Discounts)	\$3,447,669,199
Net Patient Revenues	\$1,672,492,206
Percent Discount	67%

Lafayette General Hospital	
Total Patient Revenue	\$2,277,824,313
Contractual Allowance (Discounts)	\$1,807,683,152
Net Patient Revenues	\$470,141,161
Percent Discount	79%

Hospital	Charge Based on Hospital % Markup
<b>Fairway View</b>	<b>\$76,170.00</b>
<b>John Hopkins</b>	<b>\$8,012.61</b>
Ochsner	\$27,481.27
East Jefferson	\$21,616.16
University New Orleans	\$23,233.15
Our Lady of the Lake	\$17,151.77
<b>The Spine Hospital</b>	<b>\$87,717.38</b>
Southern Surgical	\$44,493.25
Omega	\$28,779.62
North Oaks	\$30,513.70
West Jefferson	\$28,753.34
Touro	\$26,252.60

# Shoulder Arthroscopy: \$82,000.00

## Ambulatory Surgery Center

	POSSIBLE - ARTHROSCOPY S	29827SGRT	011216	1	16000 00
	ARTHROSCOPY SHOULDER SLA	29807SGRT	011216	1	16000 00
	ARTHROSCOPY SHOULDER DIS	29824SGRT	011216	1	16000 00
	ARTHROSCOPY SHOULDER DEB	29823SG59RT	011216	1	16000 00
	RIGHT SHOULDER ATS, SAD,	29826SGRT	011216	1	16000 00
8	PROSTHETIC IMPLANT, NOT	L8699SG	011216	1	2000 00



# But What is it Really Worth?

<b>Medicare OPPS Allowance</b>	<b>\$12,693.03</b>
<b>Medicare ASC Allowance</b>	<b>\$6,434.36</b>
<b>FECA ASC Fee Schedule (Longshore)</b>	<b>\$11,479.18</b>
<b>Louisiana WC 90% Calculation</b>	<b>\$72,000.00</b>
<b>Personal Injury Case</b>	<b>\$82,000.00</b>
<b>Total Bill</b>	<b>\$82,000.00</b>

# Two Level Cervical Fusion: \$263,100.00

## Ambulatory Surgery Center

42 REV CD	43 DESCRIPTION	44 HCPCS / RATE / NIPPX CODE	45 SERV DATE	46 SERV UNITS	47 TOTAL CHARGES	48
	) ACDF C3-6	22551SG	011416	1	58000 00	
	) ANTERIOR INSTRUMENTATION	22845SG	011416	1	10000 00	
	) X3-APPLICATION OF INTERV	22851SG	011416	3	36000 00	
	) X2-ARTHRODESIS ANTERIOR	22552SG	011416	2	116000 00	
	) ALLOGRAFT FOR SPINE SURG	20930SG	011416	1	3000 00	
	) AUTOGRAFT FOR SPINE SURG	20936SG	011416	1	2300 00	
78	PROSTHETIC IMPLANT, NOT	L8699SG	011416	1	24200 00	
50	HOSPITAL OBSERVATION SER	G0378SG	011416	17	13600 00	

# Payment Comparisons

Medicare IPPS	\$13,810.28
Medicare OPPS Allowance	\$12,147.50
Medicare ASC Allowance	\$10,388.44
FECA Fee Schedule	\$10,003.82
Louisiana WC 90% Calculation	\$215,010.00
Personal Injury Case	\$263,000.00
Implant Allowance	N/A - Invoices Note Included

## DRG 473 - CERVICAL SPINAL FUSION W/O CC/MCC

Total Discharges	Average Covered Charges	Average Total Payments	Average Medicare Payments
760	\$66,868.49	\$13,897.51	\$11,355.86

## DRG 471 - CERVICAL SPINAL FUSION W MCC

Total Discharges	Average Covered Charges	Average Total Payments	Average Medicare Payments
84	\$128,424.24	\$34,291.07	\$29,706.39

# Spinal Cord Stimulators:

## Trial Charge: 104,250.00

## Permanent Implant: \$314,246.88

0490	Implantation of neurostimulator electrode	63650 SG	11072017	1	31600 00
0490	Implantation of neurostimulator electrode	63650 SG 59	11072017	1	31600 00
0490	Implantation of neurostimulator electrode	63650 SG 59	11072017	1	31600 00
0278	Implantable neurostimulator electrode, each	L8680 SG	11072017	1	3150 00
0278	Implantable neurostimulator electrode, each	L8680 SG	11072017	1	3150 00
0278	Implantable neurostimulator electrode, each	L8680 SG	11072017	1	3150 00

42 REV. CD.	43 DESCRIPTION	44 HCPCS / RATE / HIPPS CODE	45 SERV. DATE	46 SERV. UNITS	47 TOTAL CHARGES
0490	INSJ/RPLCMT SPI NPGR DIR/INDUXIVE COUP	63685 SG	11272017	1	168500 00
0278	Implantable neurostimulator pulse generator, dua	L8687 SG	11272017	1	63641 25
0490	Implantation of neurostimulator electrode	63650 SG	11272017	1	31600 00
0490	Implantation of neurostimulator electrode	63650 SG 59	11272017	1	31600 00
0278	Implantable neurostimulator electrode, each	L8680 SG	11272017	1	4050 00
0278	Implantable neurostimulator electrode, each	L8680 SG	11272017	1	4050 00
0278	Implantable neurostimulator electrode, each	L8680 SG	11272017	1	1800 00
0278	Implantable neurostimulator electrode, each	L8680 SG	11272017	1	8246 25
0278	Prosthetic Implant, not otherwise specified	L8699 SG	11272017	1	759 38

# SCS Medicare Pricing

Procedure	CPT Code and Description <sup>1</sup>	APC <sup>2</sup>	APC Title <sup>2</sup>	SI <sup>2,3</sup>	Relative Weight <sup>2</sup>	Medicare National Average <sup>2,4</sup>
<b>Screening Test</b> <sup>5,6</sup>	<b>63650</b> Percutaneous implantation of neurostimulator electrode array, epidural <sup>7</sup>	5462	Level 2 Neurostimulator and Related Procedures	J1	77.0081	\$6,056

<b>Generator Implantation or Replacement</b> <sup>9,10</sup>	<b>63685</b> Insertion or replacement of spinal neurostimulator pulse generator or receiver, direct or inductive coupling	5464	Level 4 Neurostimulator and Related Procedures	J1	354.6949	\$27,892
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<b>63655</b> Laminectomy for implantation of neurostimulator electrodes, plate/paddle, epidural	5463	Level 3 Neurostimulator and Related Procedures	J1	233.5939	\$18,369
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# Emergency Room Bill

		<b>\$26,764.00</b>	<b>\$24,087.60</b>	<b>\$9,131.90</b>	<b>\$2,423.94</b>
<b>Code</b>	<b>Description</b>	<b>Charge</b>	<b>90% Calculation</b>	<b>90% Or WCFS</b>	<b>Medicare</b>
70450	Cat scan of head or brain	\$1,959.00	\$1,763.10	\$430.00	\$135.28
71260	Ct thorax w/dye	\$3,012.00	\$2,710.80	\$461.00	\$318.02
72125	Ct neck spine w/o dye	\$3,898.00	\$3,508.20	\$371.00	\$135.28
74177	Ct abd & pelv w/contrast	\$3,403.00	\$3,062.70	\$736.00	\$318.02
70450	Cat scan of head or brain	\$1,959.00	\$1,763.10	\$430.00	\$135.28
12011	Repair superficial wound(s)	\$279.00	\$251.10	\$251.10	\$183.74
99285.25	Emergency dept visit..	\$1,953.00	\$1,757.70	\$1,757.70	\$586.49
72141	MRI neck spine w/o dye	\$4,846.00	\$4,361.40	\$450.00	\$271.09
Misc	Miscellaneous ER Services	\$5,455.00	\$4,909.50	\$4,245.10	\$340.74

# Correct Coding Initiative

National **Correct Coding Initiative** (NCCI) The Centers for Medicare and Medicaid Services (CMS) developed the National **Correct Coding Initiative** (NCCI) to promote national **correct coding** methodologies and to control improper **coding** that leads to inappropriate payment



So What Is The True Cost of Medical

Is it an Arbitrary Number a Hospital Puts on a Bill?

Or

Is it what they would like to collect?

Hospital Cost to Charge Ratios, Percent Mark-up and Percent Discounted to Payors							
John Hopkins (Baltimore, MD)					John Hopkins Hospital		
	Total	Total	Ratio	Percent		Total Patient Revenue	\$2,439,694,232
	Costs	Charges	Cost/Chg	Mark-up		Contractual Allowance (Discounts)	\$398,374,785
Operating Room	\$147,687,450	\$242,718,716	0.6085	164%		Net Patient Revenues	\$2,041,319,447
Anesthesiology	\$10,668,058	\$60,594,397	0.1761	568%		<b>Percent Discount</b>	<b>16%</b>
Radiology - Diagnostic	\$50,541,036	\$80,596,788	0.6271	159%			
CT Scans	\$16,913,964	\$35,068,011	0.4823	207%			
MRI Scans	\$18,563,804	\$24,333,684	0.7629	131%			
Laboratory	\$135,259,981	\$212,996,401	0.635	157%			
Respiratory Therapy	\$29,330,804	\$41,820,904	0.7013	143%			
Physical Therapy	\$20,974,396	\$33,012,302	0.6354	157%			
Speech Pathology	\$4,486,897	\$10,284,283	0.4363	229%			
Electrocardiology	\$7,383,323	\$16,303,950	0.4529	221%			
Implantable Devices (charged)	\$60,711,220	\$96,975,693	0.626	160%			
Drugs (charged)	\$240,507,096	\$293,428,640	0.8196	122%			
Other	\$1,615,351	\$1,697,798	0.9514	105%			
<b>TOTAL</b>	<b>\$1,009,207,401</b>	<b>\$1,479,781,409</b>	<b>0.682</b>	<b>147%</b>			
Tulane Medical Center					Tulane Medical Center		
	Total	Total	Ratio	Percent		Total Patient Revenue	\$3,941,389,180
	Costs	Charges	Cost/Chg	Mark-up		Contractual Allowance (Discounts)	\$3,444,581,501
Operating Room	\$40,621,500	\$931,657,288	0.0436	2294%		Net Patient Revenues	\$496,807,679
Recovery Room	\$4,480,714	\$38,004,940	0.1179	848%		<b>Percent Discount</b>	<b>87%</b>
Anesthesiology	\$1,745,541	\$113,755,653	0.0153	6517%			
Radiology - Diagnostic	\$12,756,605	\$158,880,770	0.0803	1245%			
CT Scans	\$3,118,572	\$166,330,485	0.0187	5334%			

Hospital Cost to Charge Ratios, Percent Mark-up and Percent Discounted to Payors							
MRI Scans	\$1,981,390	\$51,971,117	0.0381	2623%			
Laboratory	\$28,693,413	\$686,893,927	0.0418	2394%			
Respiratory Therapy	\$8,128,727	\$121,935,108	0.0667	1500%			
Physical Therapy	\$11,283,621	\$99,193,605	0.1138	879%			
Occupational Therapy	\$1,106,613	\$12,775,254	0.0866	1154%			
Speech Pathology	\$811,783	\$11,912,464	0.0681	1467%			
Electrocardiology	\$1,850,576	\$58,155,629	0.0318	3143%			
Medical Supplies (charged)	\$15,661,452	\$156,416,408	0.1001	999%			
Implantable Devices (charged)	\$47,122,206	\$94,539,531	0.4984	201%			
Drugs (charged)	\$55,542,763	\$619,395,602	0.0897	1115%			
Other	\$10,806,091	\$13,801,769	0.7829	128%			
<b>TOTAL</b>	<b>\$262,580,336</b>	<b>\$3,452,829,940</b>	<b>0.076</b>	<b>1315%</b>			
<b>Rapides Regional Hospital</b>					<b>Rapides Medical Center</b>		
	<b>Total</b>	<b>Total</b>	<b>Ratio</b>	<b>Percent</b>		<b>Total Patient Revenue</b>	\$2,210,320,046
	<b>Costs</b>	<b>Charges</b>	<b>Cost/Chg</b>	<b>Mark-up</b>		<b>Contractual Allowance (Discounts)</b>	\$1,967,832,731
Operating Room	\$15,730,459	\$300,413,192	0.0524	1910%		<b>Net Patient Revenues</b>	\$242,487,315
Recovery Room	\$1,477,770	\$45,669,845	0.0324	3090%		<b>Percent Discount</b>	<b>89%</b>
Anesthesiology	\$494,329	\$82,235,476	0.006	16636%			
Radiology - Diagnostic	\$6,467,147	\$85,657,702	0.0755	1325%			
CT Scans	\$2,095,105	\$206,785,012	0.0101	9870%			
MRI Scans	\$693,353	\$32,496,423	0.0213	4687%			
Cardiac Catheterization	\$3,581,973	\$137,905,599	0.026	3850%			
Laboratory	\$15,591,391	\$287,337,420	0.0543	1843%			

Hospital Cost to Charge Ratios, Percent Mark-up and Percent Discounted to Payors							
Medical Supplies (charged)	\$14,753,608	\$119,925,121	0.123	813%			
Implantable Devices (charged)	\$14,667,367	\$33,888,282	0.4328	231%			
Drugs (charged)	\$22,198,651	\$244,675,264	0.0907	1102%			
<b>TOTAL</b>	<b>\$117,151,820</b>	<b>\$1,750,474,468</b>	<b>0.0669</b>	<b>1494%</b>			
<b>Ochsner Medical Center New Orleans</b>						<b>Ochsner New Orleans</b>	
	<b>Total</b>	<b>Total</b>	<b>Ratio</b>	<b>Percent</b>		<b>Total Patient Revenue</b>	\$5,120,161,405
	<b>Costs</b>	<b>Charges</b>	<b>Cost/Chg</b>	<b>Mark-up</b>		<b>Contractual Allowance (Discounts)</b>	\$3,447,669,199
Operating Room	\$113,163,912	\$726,799,543	0.1557	642%		<b>Net Patient Revenues</b>	\$1,672,492,206
Recovery Room	\$8,433,451	\$51,612,892	0.1634	612%		<b>Percent Discount</b>	<b>67%</b>
Anesthesiology	\$10,275,382	\$159,819,491	0.0643	1555%			
Radiology - Diagnostic	\$30,925,703	\$175,285,410	0.1764	567%			
CT Scans	\$9,609,310	\$150,850,086	0.0637	1570%			
MRI Scans	\$8,020,321	\$73,727,334	0.1088	919%			
Laboratory	\$63,928,066	\$408,312,867	0.1566	639%			
Medical Supplies (charged)	\$63,510,769	\$139,999,222	0.4537	220%			
Implantable Devices (charged)	\$87,215,632	\$230,577,490	0.3782	264%			
Drugs (charged)	\$92,463,887	\$321,339,895	0.2877	348%			
ASC (non-distinct part)	\$3,293,585	\$31,631,714	0.1041	960%			
Other	\$9,391,234	\$35,401,482	0.2653	377%			
<b>TOTAL</b>	<b>\$747,922,545</b>	<b>\$3,798,072,437</b>	<b>0.1969</b>	<b>508%</b>			

Hospital Cost to Charge Ratios, Percent Mark-up and Percent Discounted to Payors							
East Jefferson Hospital					East Jefferson		
	Total	Total	Ratio	Percent	Total Patient Revenue	\$1,208,096,044	
	Costs	Charges	Cost/Chg	Mark-up	Contractual Allowance (Discounts)	\$904,891,470	
Operating Room	\$27,392,087	\$136,386,140	0.2008	498%	Net Patient Revenues	\$303,204,574	
Recovery Room	\$2,300,514	\$4,978,429	0.4621	216%	Percent Discount	75%	
Radiology - Diagnostic	\$17,253,160	\$95,089,392	0.1814	551%			
CT Scans	\$2,174,940	\$53,015,656	0.041	2438%			
MRI Scans	\$1,776,582	\$16,207,994	0.1096	912%			
Respiratory Therapy	\$7,336,389	\$70,737,433	0.1037	964%			
Physical Therapy	\$9,897,465	\$22,715,957	0.4357	230%			
Medical Supplies (charged)	\$31,710,405	\$34,729,217	0.9131	110%			
Implantable Devices (charged)	\$18,677,054	\$57,532,857	0.3246	308%			
Drugs (charged)	\$47,049,294	\$219,091,459	0.2147	466%			
Other	\$8,442,779	\$25,415,954	0.3322	301%			
<b>TOTAL</b>	<b>\$208,116,566</b>	<b>\$989,117,369</b>	<b>0.2104</b>	<b>475%</b>			
University Medical Center of New Orleans					University Medical Center New Orleans		
	Total	Total	Ratio	Percent	Total Patient Revenue	\$1,766,842,174	
	Costs	Charges	Cost/Chg	Mark-up	Contractual Allowance (Discounts)	\$1,175,858,533	
Operating Room	\$42,825,432	\$202,455,508	0.2115	473%	Net Patient Revenues	\$590,983,641	
Recovery Room	\$8,526,525	\$31,061,118	0.2745	364%	Percent Discount	67%	
Anesthesiology	\$2,490,840	\$84,708,224	0.0294	3401%			
Radiology - Diagnostic	\$22,239,442	\$149,052,858	0.1492	670%			
Medical Supplies (charged)	\$18,057,794	\$47,985,420	0.3763	266%			

Hospital Cost to Charge Ratios, Percent Mark-up and Percent Discounted to Payors							
Implantable Devices (charged)	\$36,782,683	\$70,820,980	0.5194	193%			
Drugs (charged)	\$71,057,317	\$234,424,912	0.3031	330%			
<b>TOTAL</b>	<b>\$286,931,922</b>	<b>\$1,123,008,850</b>	<b>0.2555</b>	<b>391%</b>			
<b>Touro Infirmary</b>						<b>Touro Infirmary</b>	
	<b>Total</b>	<b>Total</b>	<b>Ratio</b>	<b>Percent</b>		<b>Total Patient Revenue</b>	\$1,462,643,575
	<b>Costs</b>	<b>Charges</b>	<b>Cost/Chg</b>	<b>Mark-up</b>		<b>Contractual Allowance (Discounts)</b>	\$1,143,183,998
Operating Room	\$14,740,766	\$86,642,592	0.1701	588%		<b>Net Patient Revenues</b>	\$319,459,577
Recovery Room	\$1,850,140	\$14,541,600	0.1272	786%		<b>Percent Discount</b>	<b>78%</b>
Anesthesiology	\$7,071,844	\$44,590,259	0.1586	631%			
Radiology - Diagnostic	\$10,752,421	\$82,405,178	0.1305	766%			
CT Scans	\$1,573,087	\$39,377,305	0.0399	2503%			
MRI Scans	\$490,644	\$10,885,093	0.0451	2219%			
Laboratory	\$12,374,102	\$139,622,732	0.0886	1128%			
Physical Therapy	\$3,862,933	\$19,507,575	0.198	505%			
Occupational Therapy	\$1,320,922	\$9,200,231	0.1436	697%			
Medical Supplies (charged)	\$2,361,971	\$3,584,874	0.6589	152%			
Implantable Devices (charged)	\$9,929,830	\$70,687,274	0.1405	712%			
Drugs (charged)	\$27,507,324	\$268,321,148	0.1025	975%			
Other	\$7,387,141	\$41,901,596	0.1763	567%			
<b>TOTAL</b>	<b>\$132,903,841</b>	<b>\$1,064,846,677</b>	<b>0.1248</b>	<b>801%</b>			

Hospital Cost to Charge Ratios, Percent Mark-up and Percent Discounted to Payors							
Our Lady of the Lake					Our Lady of the Lake		
	Total	Total	Ratio	Percent	Total Patient Revenue	\$3,196,922,745	
	Costs	Charges	Cost/Chg	Mark-up	Contractual Allowance (Discounts)	\$2,220,701,770	
Operating Room	\$80,926,019	\$292,648,776	0.2765	362%	Net Patient Revenues	\$976,220,975	
Recovery Room	\$9,104,249	\$41,499,914	0.2194	456%	Percent Discount	69%	
Anesthesiology	\$3,073,829	\$59,550,056	0.0516	1937%			
Radiology - Diagnostic	\$28,954,151	\$258,230,391	0.1121	892%			
CT Scans	\$6,939,712	\$249,625,789	0.0278	3597%			
MRI Scans	\$2,994,549	\$62,124,793	0.0482	2075%			
Laboratory	\$59,331,625	\$432,359,560	0.1372	729%			
Medical Supplies (charged)	\$27,555,116	\$102,961,077	0.2676	374%			
Implantable Devices (charged)	\$73,627,041	\$134,048,324	0.5493	182%			
Drugs (charged)	\$110,667,030	\$543,364,259	0.2037	491%			
Other	\$19,684,950	\$80,593,344	0.2443	409%			
<b>TOTAL</b>	<b>\$473,021,798</b>	<b>\$2,633,220,193</b>	<b>0.1796</b>	<b>557%</b>			
Baton Rouge General					Baton Rouge General		
	Total	Total	Ratio	Percent	Total Patient Revenue	\$1,052,868,002	
	Costs	Charges	Cost/Chg	Mark-up	Contractual Allowance (Discounts)	\$649,125,150	
Operating Room	\$27,838,468	\$111,693,475	0.2492	401%	Net Patient Revenues	\$403,742,852	
Recovery Room	\$5,572,854	\$14,526,518	0.3836	261%	Percent Discount	62%	
Radiology - Diagnostic	\$17,324,382	\$107,278,012	0.1615	619%			
Laboratory	\$17,374,175	\$73,279,725	0.2371	422%			
Respiratory Therapy	\$4,417,402	\$10,887,832	0.4057	246%			

Hospital Cost to Charge Ratios, Percent Mark-up and Percent Discounted to Payors							
Medical Supplies (charged)	\$27,990,531	\$112,267,485	0.2493	401%			
Implantable Devices (charged)	\$29,540,994	\$79,015,343	0.3739	267%			
Drugs (charged)	\$57,428,008	\$258,839,737	0.2219	451%			
Other	\$3,432,514	\$16,223,142	0.2116	473%			
<b>TOTAL</b>	<b>\$219,312,156</b>	<b>\$893,906,169</b>	<b>0.2453</b>	<b>408%</b>			
<b>The Spine Hospital</b>					<b>The Spine Hospital</b>		
	<b>Total</b>	<b>Total</b>	<b>Ratio</b>	<b>Percent</b>		<b>Total Patient Revenue</b>	\$173,442,453
	<b>Costs</b>	<b>Charges</b>	<b>Cost/Chg</b>	<b>Mark-up</b>		<b>Contractual Allowance (Discounts)</b>	\$125,491,615
Operating Room	\$4,975,922	\$112,547,880	0.0442	2262%		<b>Net Patient Revenues</b>	\$47,950,838
Recovery Room	\$1,195,660	\$4,167,710	0.2869	349%		<b>Percent Discount</b>	<b>72%</b>
Radiology - Diagnostic	\$670,608	\$4,114,045	0.163	613%			
CT Scans	\$366,436	\$1,858,365	0.1972	507%			
Implants	\$15,339,401	\$36,624,229	0.4188	239%			
<b>TOTAL</b>	<b>\$27,392,606</b>	<b>\$171,066,453</b>	<b>0.1601</b>	<b>624%</b>			
<b>Slidell Memorial</b>					<b>Slidell Memorial</b>		
	<b>Total</b>	<b>Total</b>	<b>Ratio</b>	<b>Percent</b>		<b>Total Patient Revenue</b>	\$1,309,889,240
	<b>Costs</b>	<b>Charges</b>	<b>Cost/Chg</b>	<b>Mark-up</b>		<b>Contractual Allowance (Discounts)</b>	\$1,116,102,836
Operating Room	\$6,926,372	\$83,376,177	0.0831	1204%		<b>Net Patient Revenues</b>	\$193,786,404
Recovery Room	\$2,866,019	\$8,962,917	0.3198	313%		<b>Percent Discount</b>	<b>85%</b>
Anesthesiology	\$147,592	\$17,771,182	0.0083	12041%			
Radiology - Diagnostic	\$7,372,058	\$50,876,099	0.1449	690%			



Hospital Cost to Charge Ratios, Percent Mark-up and Percent Discounted to Payors							
CT Scans	\$2,075,825	\$70,643,437	0.0294	3403%			
MRI Scans	\$1,561,053	\$27,205,253	0.0574	1743%			
Laboratory	\$9,572,905	\$173,468,299	0.0552	1812%			
IV Therapy	\$2,716,964	\$20,196,671	0.1345	743%			
Physical Therapy	\$3,370,923	\$12,335,394	0.2733	366%			
Medical Supplies (charged)	\$8,230,348	\$48,475,317	0.1698	589%			
Implantable Devices (charged)	\$7,321,810	\$61,905,388	0.1183	845%			
Drugs (charged)	\$29,481,063	\$325,892,399	0.0905	1105%			
<b>TOTAL</b>	<b>\$96,071,873</b>	<b>\$1,065,146,515</b>	<b>0.0902</b>	<b>1109%</b>			
<b>Southern Surgical</b>						<b>Southern Surgical</b>	
	<b>Total</b>	<b>Total</b>	<b>Ratio</b>	<b>Percent</b>		<b>Total Patient Revenue</b>	\$136,915,051
	<b>Costs</b>	<b>Charges</b>	<b>Cost/Chg</b>	<b>Mark-up</b>		<b>Contractual Allowance (Discounts)</b>	\$107,489,374
Operating Room	\$5,411,959	\$56,897,837	0.0951	1051%		<b>Net Patient Revenues</b>	\$29,425,677
Recovery Room	\$989,567	\$15,112,373	0.0655	1527%		<b>Percent Discount</b>	<b>79%</b>
Radiology - Diagnostic	\$765,395	\$3,815,626	0.2006	499%			
Laboratory	\$1,644,772	\$17,490,939	0.094	1063%			
Respiratory Therapy	\$544,048	\$1,074,861	0.5062	198%			
Physical Therapy	\$644	\$299,535	0.0021	46512%			
Medical Supplies (charged)	\$5,474,862	\$21,054,177	0.26	385%			
Implantable Devices (charged)	\$5,730,317	\$18,285,672	0.3134	319%			
<b>TOTAL</b>	<b>\$20,561,564</b>	<b>\$134,031,020</b>	<b>0.1534</b>	<b>652%</b>			

Hospital Cost to Charge Ratios, Percent Mark-up and Percent Discounted to Payers							
Sterling Hospital					Sterling Hospital		
	<b>Total</b>	<b>Total</b>	<b>Ratio</b>	<b>Percent</b>		<b>Total Patient Revenue</b>	\$92,014,807
	<b>Costs</b>	<b>Charges</b>	<b>Cost/Chg</b>	<b>Mark-up</b>		<b>Contractual Allowance (Discounts)</b>	\$74,177,176
Operating Room	\$4,533,761	\$68,961,310	0.0657	1521%		<b>Net Patient Revenues</b>	\$17,837,631
Radiology - Diagnostic	\$672,662	\$1,103,821	0.6094	164%		<b>Percent Discount</b>	<b>81%</b>
Laboratory	\$176,705	\$1,094,861	0.1614	620%			
Physical Therapy	\$64,146	\$232,780	0.2756	363%			
Implantable Devices (charged)	\$4,997,571	\$18,293,998	0.2732	366%			
Drugs (charged)	\$562,500	\$1,502,956	0.3743	267%			
<b>TOTAL</b>	<b>\$11,007,345</b>	<b>\$91,189,726</b>	<b>0.1207</b>	<b>828%</b>			
Lafayette Surgical Specialty					Lafayette Surgical Specialty Hospital		
	<b>Total</b>	<b>Total</b>	<b>Ratio</b>	<b>Percent</b>		<b>Total Patient Revenue</b>	\$157,318,620
	<b>Costs</b>	<b>Charges</b>	<b>Cost/Chg</b>	<b>Mark-up</b>		<b>Contractual Allowance (Discounts)</b>	\$116,906,733
Operating Room	\$11,335,434	\$39,164,235	0.2894	346%		<b>Net Patient Revenues</b>	\$40,411,887
Recovery Room	\$1,548,417	\$3,733,376	0.4147	241%		<b>Percent Discount</b>	<b>74%</b>
Anesthesiology	\$232,627	\$7,554,227	0.0308	3247%			
Laboratory	\$383,709	\$3,082,875	0.1245	803%			
Physical Therapy	\$159,632	\$603,071	0.2647	378%			
Medical Supplies	\$1,223,521	\$13,908,058	0.088	1137%			
Surgical Implants	\$9,939,600	\$59,698,237	0.1665	601%			
Drugs (charged)	\$1,673,768	\$8,033,484	0.2083	480%			
Other	\$1,916,953	\$7,857,753	0.244	410%			
<b>TOTAL</b>	<b>\$32,142,143</b>	<b>\$154,546,302</b>	<b>0.208</b>	<b>481%</b>			

Hospital Cost to Charge Ratios, Percent Mark-up and Percent Discounted to Payors							
Lafayette General Hospital					Lafayette General Hospital		
	Total	Total	Ratio	Percent	Total Patient Revenue	\$2,277,824,313	
	Costs	Charges	Cost/Chg	Mark-up	Contractual Allowance (Discounts)	\$1,807,683,152	
Operating Room	\$28,614,892	\$161,458,651	0.1772	564%	Net Patient Revenues	\$470,141,161	
Recovery Room	\$2,835,001	\$16,825,468	0.1685	593%	Percent Discount	79%	
Anesthesiology	\$1,330,210	\$12,504,311	0.1064	940%			
Radiology - Diagnostic	\$9,569,848	\$74,701,794	0.1281	781%			
CT Scans	\$2,518,448	\$66,564,403	0.0378	2643%			
MRI Scans	\$1,400,115	\$19,121,985	0.0732	1366%			
Laboratory	\$19,780,990	\$166,979,717	0.1185	844%			
Physical Therapy	\$3,251,452	\$13,512,977	0.2406	416%			
Occupational Therapy	\$1,356,226	\$7,336,517	0.1849	541%			
Medical Supplies (charged)	\$40,804,365	\$205,773,182	0.1983	504%			
Implantable Devices (charged)	\$29,018,869	\$208,161,513	0.1394	717%			
Drugs (charged)	\$47,748,724	\$462,126,377	0.1033	968%			
Other	\$1,536,609	\$11,227,046	0.1369	731%			
<b>TOTAL</b>	<b>\$232,404,789</b>	<b>\$1,812,176,990</b>	<b>0.1282</b>	<b>780%</b>			
Our Lady of Lourdes					Our Lady of Lourdes		
	Total	Total	Ratio	Percent	Total Patient Revenue	\$1,126,667,973	
	Costs	Charges	Cost/Chg	Mark-up	Contractual Allowance (Discounts)	\$810,552,152	
Operating Room	\$18,651,391	\$83,853,197	0.2224	450%	Net Patient Revenues	\$316,115,821	
Recovery Room	\$1,976,748	\$13,357,754	0.148	676%	Percent Discount	72%	
Anesthesiology	\$1,926,009	\$31,039,862	0.062	1612%			

Hospital Cost to Charge Ratios, Percent Mark-up and Percent Discounted to Payors							
Radiology - Diagnostic	\$16,560,165	\$165,975,329	0.0998	1002%			
Laboratory	\$8,844,390	\$77,370,308	0.1143	875%			
Physical Therapy	\$5,861,642	\$21,771,575	0.2692	371%			
Medical Supplies (charged)	\$26,067,880	\$47,872,091	0.5445	184%			
Implantable Devices (charged)	\$21,285,088	\$42,548,623	0.5003	200%			
Drugs (charged)	\$47,990,752	\$219,128,081	0.219	457%			
<b>TOTAL</b>	<b>\$168,672,981</b>	<b>\$912,348,638</b>	<b>0.1849</b>	<b>541%</b>			
<b>Lake Charles Memorial</b>						<b>Lake Charles Memorial</b>	
	<b>Total</b>	<b>Total</b>	<b>Ratio</b>	<b>Percent</b>		<b>Total Patient Revenue</b>	\$1,059,646,186
	<b>Costs</b>	<b>Charges</b>	<b>Cost/Chg</b>	<b>Mar-up</b>		<b>Contractual Allowance (Discounts)</b>	\$751,886,843
Operating Room	\$15,704,980	\$97,809,506	0.1606	623%		<b>Net Patient Revenues</b>	\$307,759,343
Recovery Room	\$2,279,833	\$11,560,943	0.1972	507%		<b>Percent Discount</b>	<b>71%</b>
Radiology - Diagnostic	\$7,930,318	\$38,780,736	0.2045	489%			
CT Scans	\$1,816,051	\$72,382,332	0.0251	3986%			
Magnetic Resonance Imaging (MRI)	\$714,231	\$2,794,538	0.2556	391%			
Cardiac Catheterization	\$3,823,758	\$32,130,147	0.119	840%			
Laboratory	\$16,149,830	\$141,281,097	0.1143	875%			
Medical Supplies (charged)	\$27,493,476	\$44,882,909	0.6126	163%			
Implantable Devices (charged)	\$20,020,029	\$32,065,313	0.6244	160%			

Hospital Cost to Charge Ratios, Percent Mark-up and Percent Discounted to Payors							
Drugs (charged)	\$37,195,112	\$281,602,381	0.1321	757%			
Other	\$3,098,273	\$7,074,194	0.438	228%			
<b>TOTAL</b>	<b>\$156,350,567</b>	<b>\$865,842,239</b>	<b>0.1806</b>	<b>554%</b>			
<b>Christus St. Patrick / Ochsner</b>						<b>Christus St. Patrick (Ochsner)</b>	
	<b>Total</b>	<b>Total</b>	<b>Ratio</b>	<b>Percent</b>		<b>Total Patient Revenue</b>	\$807,476,078
	<b>Costs</b>	<b>Charges</b>	<b>Cost/Chg</b>	<b>Mark-up</b>		<b>Contractual Allowance (Discounts)</b>	\$654,488,847
Operating Room	\$14,340,937	\$101,158,828	0.1418	705%		<b>Net Patient Revenues</b>	\$152,987,231
Anesthesiology	\$1,393,764	\$20,346,146	0.0685	1460%		<b>Percent Discount</b>	<b>81%</b>
Radiology - Diagnostic	\$6,381,775	\$46,571,509	0.137	730%			
CT Scans	\$815,680	\$46,065,746	0.0177	5648%			
MRI Scans	\$738,542	\$2,213,189	0.3337	300%			
Cardiac Catheterization	\$4,383,406	\$72,072,267	0.0608	1644%			
Laboratory	\$7,201,394	\$48,994,037	0.147	680%			
Medical Supplies (charged)	\$19,788,594	\$28,083,057	0.7046	142%			
Implantable Devices (charged)	\$17,443,061	\$100,187,998	0.1741	574%			
Drugs (charged)	\$11,481,290	\$111,624,297	0.1029	972%			
Other	\$2,287,181	\$11,379,073	0.201	498%			
<b>TOTAL</b>	<b>\$97,338,989</b>	<b>\$662,391,661</b>	<b>0.147</b>	<b>680%</b>			
<b>Specialist Hosp Shreveport</b>						<b>Specialist Hospital Shreveport</b>	
	<b>Total</b>	<b>Total</b>	<b>Ratio</b>	<b>Percent</b>		<b>Total Patient Revenue</b>	\$263,227,525
	<b>Costs</b>	<b>Charges</b>	<b>Cost/Chg</b>	<b>Mark-up</b>		<b>Contractual Allowance (Discounts)</b>	\$203,136,662



Hospital Cost to Charge Ratios, Percent Mark-up and Percent Discounted to Payors							
Speech Pathology	\$1,151,623	\$3,993,816	0.2884	347%			
Medical Supplies (charged)	\$69,996,081	\$147,631,565	0.4741	211%			
Implantable Devices (charged)	\$21,380,123	\$141,004,846	0.1516	660%			
Drugs (charged)	\$79,249,874	\$503,189,212	0.1575	635%			
<b>TOTAL</b>	<b>\$455,006,951</b>	<b>\$2,540,980,080</b>	<b>0.1791</b>	<b>558%</b>			
<b>St. Francis Hospital Monroe</b>					<b>St. Francis, Monroe</b>		
	<b>Total</b>	<b>Total</b>	<b>Ratio</b>	<b>Percent</b>		<b>Total Patient Revenue</b>	\$903,750,387
	<b>Costs</b>	<b>Charges</b>	<b>Cost/Chg</b>	<b>Mark-up</b>		<b>Contractual Allowance (Discounts)</b>	\$684,350,333
Operating Room	\$15,060,276	\$46,559,209	0.3235	309%		<b>Net Patient Revenues</b>	\$219,400,054
Recovery Room	\$1,454,915	\$3,460,065	0.4205	238%		<b>Percent Discount</b>	<b>76%</b>
Delivery Room / Labor Room	\$3,969,298	\$10,768,101	0.3686	271%			
Radiology - Diagnostic	\$8,464,711	\$52,075,268	0.1625	615%			
CT Scans	\$1,821,642	\$58,381,182	0.0312	3205%			
MRI Scans	\$1,254,547	\$44,843,998	0.028	3575%			
Cardiac Catheterization	\$7,437,954	\$64,406,889	0.1155	866%			
Laboratory	\$16,400,254	\$120,900,939	0.1357	737%			
Medical Supplies (charged)	\$6,082,870	\$16,196,542	0.3756	266%			
Implantable Devices (charged)	\$7,081,478	\$15,353,794	0.4612	217%			
Drugs (charged)	\$26,535,038	\$107,679,700	0.2464	406%			
<b>TOTAL</b>	<b>\$116,597,962</b>	<b>\$645,287,803</b>	<b>0.1807</b>	<b>553%</b>			

Hospital Cost to Charge Ratios, Percent Mark-up and Percent Discounted to Payors							
University Hospital Monroe - Ochsner					Ochsner/ University Monroe		
	<b>Total</b>	<b>Total</b>	<b>Ratio</b>	<b>Percent</b>		<b>Total Patient Revenue</b>	\$420,030,593
	<b>Costs</b>	<b>Charges</b>	<b>Cost/Chg</b>	<b>Mark-up</b>		<b>Contractual Allowance (Discounts)</b>	\$422,606,973
Operating Room	\$6,394,674	\$12,299,455	0.5199	192%		<b>Net Patient Revenues</b>	<b>(\$2,576,380)</b>
Delivery Room / Labor Room	\$4,246,316	\$13,900,772	0.3055	327%		<b>Percent Discount</b>	<b>101%</b>
Anesthesiology	\$610,210	\$2,421,605	0.252	397%			
Radiology - Diagnostic	\$6,323,605	\$39,243,779	0.1611	621%			
Laboratory	\$6,183,549	\$66,703,959	0.0927	1079%			
Respiratory Therapy	\$2,208,831	\$24,612,137	0.0897	1114%			
Physical Therapy	\$1,320,996	\$1,841,415	0.7174	139%			
Drugs (charged)	\$15,872,452	\$51,503,403	0.3082	324%			
<b>TOTAL</b>	<b>\$55,645,432</b>	<b>\$262,540,563</b>	<b>0.2119</b>	<b>472%</b>			
Glenwood West Monroe					Glenwood Hosp W. Monroe		
	<b>Total</b>	<b>Total</b>	<b>Ratio</b>	<b>Percent</b>		<b>Total Patient Revenue</b>	\$1,014,424,899
	<b>Costs</b>	<b>Charges</b>	<b>Cost/Chg</b>	<b>Mark-up</b>		<b>Contractual Allowance (Discounts)</b>	\$854,693,973
Operating Room	\$11,454,808	\$124,376,872	0.0921	1086%		<b>Net Patient Revenues</b>	\$159,730,926
Recovery Room	\$678,836	\$6,449,759	0.1052	950%		<b>Percent Discount</b>	<b>84%</b>
Radiology Diagnostic	\$8,917,894	\$80,569,630	0.1107	903%			
CT Scans	\$1,359,798	\$42,392,427	0.0321	3118%			
MRI Scans	\$621,508	\$15,216,069	0.0408	2448%			
Laboratory	\$7,697,217	\$127,925,779	0.0602	1662%			
Physical Therapy	\$4,243,029	\$16,093,616	0.2636	379%			



Hospital Cost to Charge Ratios, Percent Mark-up and Percent Discounted to Payors							
Medical Supplies (charged)	\$7,788,572	\$54,018,495	0.1442	694%			
Implantable Devices (charged)	\$12,635,448	\$31,351,622	0.403	248%			
Drugs (charged)	\$11,738,378	\$116,810,947	0.1005	995%			
Other	\$2,379,295	\$9,531,657	0.2496	401%			
<b>TOTAL</b>	<b>\$81,826,811</b>	<b>\$816,518,579</b>	<b>0.1002</b>	<b>998%</b>			
<b>Univerity Shreveport</b>					<b>University Shreveport</b>		
	<b>Total</b>	<b>Total</b>	<b>Ratio</b>	<b>Percent</b>		<b>Total Patient Revenue</b>	\$1,174,841,409
	<b>Costs</b>	<b>Charges</b>	<b>Cost/Chg</b>	<b>Mark-up</b>		<b>Contractual Allowance (Discounts)</b>	\$669,096,089
Operating Room	\$32,110,434	\$66,418,121	0.4835	207%		<b>Net Patient Revenues</b>	\$505,745,320
Delivery Room / Labor Room	\$7,650,416	\$21,100,703	0.3626	276%		<b>Percent Discount</b>	<b>57%</b>
Anesthesiology	\$8,704,013	\$20,981,346	0.4148	241%			
Radiology - Diagnostic	\$17,473,940	\$49,948,412	0.3498	286%			
Laboratory	\$19,445,977	\$67,229,340	0.2892	346%			
Physical Therapy	\$6,395,292	\$14,591,948	0.4383	228%			
Electrocardiology	\$7,079,452	\$50,298,370	0.1407	710%			
Medical Supplies (charged)	\$75,268,809	\$131,338,496	0.5731	174%			
<b>TOTAL</b>	<b>\$250,729,690</b>	<b>\$798,421,102</b>	<b>0.314</b>	<b>318%</b>			
<b>Omega Hospital</b>					<b>Omega Hospital</b>		
	<b>Total</b>	<b>Total</b>	<b>Ratio</b>	<b>Percent</b>		<b>Total Patient Revenue</b>	\$51,150,799

Hospital Cost to Charge Ratios, Percent Mark-up and Percent Discounted to Payors							
	<b>Costs</b>	<b>Charges</b>	<b>Cost/Chg</b>	<b>Mark-up</b>		<b>Contractual Allowance (Discounts)</b>	\$34,727,946
Operating Room	\$2,900,903	\$18,494,168	0.1569	638%		<b>Net Patient Revenues</b>	\$16,422,853
Recovery Room	\$220,061	\$3,463,332	0.0635	1574%		<b>Percent Discount</b>	<b>68%</b>
Anesthesiology	\$0	\$0	0	#DIV/0!			
Radiology - Diagnostic	\$392,540	\$318,506	1.2324	81%			
Electroencephalography	\$1,418	\$2,489	0.5697	176%			
Medical Supplies (charged)	\$2,298,282	\$16,925,984	0.1358	736%			
Implantable Devices (charged)	\$2,823,936	\$8,193,111	0.3447	290%			
Drugs (charged)	\$297,364	\$2,225,757	0.1336	748%			
<b>TOTAL</b>	<b>\$9,214,797</b>	<b>\$50,145,455</b>	<b>0.1838</b>	<b>544%</b>			
<b>Terrebone Medical Center</b>						<b>Terrebonne General</b>	
	<b>Total</b>	<b>Total</b>	<b>Ratio</b>	<b>Percent</b>		<b>Total Patient Revenue</b>	\$639,002,889
	<b>Costs</b>	<b>Charges</b>	<b>Cost/Chg</b>	<b>Mark-up</b>		<b>Contractual Allowance (Discounts)</b>	\$446,113,628
Operating Room	\$11,260,020	\$43,825,441	0.2569	389%		<b>Net Patient Revenues</b>	\$192,889,261
Recovery Room	\$1,261,212	\$4,272,147	0.2952	339%		<b>Percent Discount</b>	<b>70%</b>
Anesthesiology	\$1,053,724	\$12,015,902	0.0877	1140%			
Radiology - Diagnostic	\$7,766,850	\$29,735,242	0.2612	383%			
CT Scans	\$1,626,819	\$33,304,975	0.0488	2047%			
MRIs	\$1,594,681	\$9,271,891	0.172	581%			
Laboratory	\$9,564,201	\$67,545,307	0.1416	706%			
Implantable Devices (charged)	\$22,332,717	\$32,469,012	0.6878	145%			
Drugs (charged)	\$23,299,499	\$152,378,828	0.1529	654%			

Hospital Cost to Charge Ratios, Percent Mark-up and Percent Discounted to Payors							
Other	\$1,118,434	\$2,038,460	0.5487	182%			
<b>TOTAL</b>	<b>\$106,363,414</b>	<b>\$515,984,780</b>	<b>0.2061</b>	<b>485%</b>			
<b>Thibodaux Regional Medical Center</b>						<b>Thibodaux Regional</b>	
	<b>Total</b>	<b>Total</b>	<b>Ratio</b>	<b>Percent</b>		<b>Total Patient Revenue</b>	\$760,680,470
	<b>Costs</b>	<b>Charges</b>	<b>Cost/Chg</b>	<b>Mark-up</b>		<b>Contractual Allowance (Discounts)</b>	\$582,954,766
Operating Room	\$7,624,329	\$55,106,181	0.1384	723%		<b>Net Patient Revenues</b>	\$177,725,704
Recovery Room	\$1,075,758	\$9,396,175	0.1145	873%		<b>Percent Discount</b>	<b>77%</b>
Anesthesiology	\$2,275,859	\$20,075,808	0.1134	882%			
Radiology - Diagnostic	\$5,331,304	\$36,746,206	0.1451	689%			
CT Scans	\$1,720,757	\$63,128,187	0.0273	3669%			
Cardiac Catheterization	\$1,734,319	\$48,308,258	0.0359	2785%			
Laboratory	\$7,084,735	\$80,766,534	0.0877	1140%			
Whole Blood / Packed RBC	\$864,498	\$2,993,336	0.2888	346%			
IV Therapy	\$2,438,613	\$26,851,982	0.0908	1101%			
Medical Supplies (charged)	\$12,676,152	\$60,027,969	0.2112	474%			
Implantable Devices (charged)	\$9,357,790	\$26,288,965	0.356	281%			
Drugs (charged)	\$27,730,347	\$123,278,381	0.2249	445%			
<b>TOTAL</b>	<b>\$93,526,701</b>	<b>\$607,010,293</b>	<b>0.1541</b>	<b>649%</b>			

Hospital Cost to Charge Ratios, Percent Mark-up and Percent Discounted to Payors							
Iberia Medical Center					Iberia Medical Center		
	<b>Total</b>	<b>Total</b>	<b>Ratio</b>	<b>Percent</b>		<b>Total Patient Revenue</b>	\$423,142,771
	<b>Costs</b>	<b>Charges</b>	<b>Cost/Chg</b>	<b>Mark-up</b>		<b>Contractual Allowance (Discounts)</b>	\$334,509,418
Operating Room	\$7,453,017	\$44,069,370	0.1691	591%		<b>Net Patient Revenues</b>	\$88,633,353
Recovery Room	\$740,390	\$5,250,632	0.141	709%		<b>Percent Discount</b>	<b>79%</b>
Anesthesiology	\$285,514	\$16,822,221	0.017	5892%			
Radiology - Diagnostic	\$2,472,275	\$24,238,173	0.102	980%			
CT Scans	\$766,538	\$27,442,432	0.0279	3580%			
MRIs	\$234,421	\$3,302,364	0.071	1409%			
Laboratory	\$5,210,260	\$29,934,168	0.1741	575%			
PBP Clinical Lab Services	\$0	\$0	0	#DIV/0!			
IV Therapy	\$102,387	\$1,456,194	0.0703	1422%			
Medical Supplies (charged)	\$6,976,449	\$25,727,840	0.2712	369%			
Implantable Devices (charged)	\$4,283,737	\$10,168,916	0.4213	237%			
Drugs (charged)	\$7,935,967	\$70,335,244	0.1128	886%			
Other	\$3,174,770	\$9,772,807	0.3249	308%			
<b>TOTAL</b>	<b>\$45,035,011</b>	<b>\$320,735,919</b>	<b>0.1404</b>	<b>712%</b>			
Central Louisiana Surgical Hospital					Central Louisiana Surgical Hospital		
	<b>Total</b>	<b>Total</b>	<b>Ratio</b>	<b>Percent</b>		<b>Total Patient Revenue</b>	\$349,927,660
	<b>Costs</b>	<b>Charges</b>	<b>Cost/Chg</b>	<b>Mark-up</b>		<b>Contractual Allowance (Discounts)</b>	\$295,261,717
Operating Room	\$13,155,271	\$226,601,393	0.0581	1723%		<b>Net Patient Revenues</b>	\$54,665,943

Hospital Cost to Charge Ratios, Percent Mark-up and Percent Discounted to Payors							
Anesthesiology	\$177,117	\$11,796,014	0.015	6660%		<b>Percent Discount</b>	<b>84%</b>
Radiology - Diagnostic	\$3,624,820	\$25,747,104	0.1408	710%			
Laboratory	\$1,546,611	\$7,389,784	0.2093	478%			
Physical Therapy	\$226,463	\$634,036	0.3572	280%			
Medical Supplies (charged)	\$8,380,598	\$13,651,576	0.6139	163%			
Implantable Devices (charged)	\$12,678,199	\$23,842,053	0.5318	188%			
Drugs (charged)	\$3,752,641	\$13,160,961	0.2851	351%			
<b>TOTAL</b>	<b>\$43,541,720</b>	<b>\$322,822,921</b>	<b>0.1349</b>	<b>741%</b>			
<b>Cypress Pointe Hospital</b>						<b>Cypress Pointe</b>	
	<b>Total</b>	<b>Total</b>	<b>Cost/Chg</b>	<b>Percent</b>		<b>Total Patient Revenue</b>	<b>\$188,894,986</b>
	<b>Costs</b>	<b>Charges</b>	<b>Ratio</b>	<b>Mark-up</b>		<b>Contractual Allowance (Discounts)</b>	<b>\$158,501,634</b>
Operating Room	\$856,981	\$67,019,052	0.0128	7820%		<b>Net Patient Revenues</b>	<b>\$30,393,352</b>
Anesthesiology	\$116,240	\$9,892,625	0.0118	8511%		<b>Percent Discount</b>	<b>84%</b>
Radiology - Diagnostic	\$3,481,963	\$24,580,737	0.1417	706%			
Computed Tomography (CT) Scan	\$90,686	\$2,259,087	0.0401	2491%			
Laboratory	\$814,822	\$1,589,491	0.5126	195%			
Implantable Devices (charged)	\$10,407,653	\$44,816,615	0.2322	431%			
Drugs (charged)	\$1,078,291	\$3,111,315	0.3466	289%			
<b>TOTAL</b>	<b>\$22,494,011</b>	<b>\$188,563,094</b>	<b>0.1193</b>	<b>838%</b>			

Hospital Cost to Charge Ratios, Percent Mark-up and Percent Discounted to Payors							
<b>ST. Tammany</b>							
	<b>Total</b>	<b>Total</b>	<b>Ratio</b>	<b>Percent</b>		<b>St. Tammany Parish Hospital</b>	
	<b>Costs</b>	<b>Charges</b>	<b>Cost/Chg</b>	<b>Mark-up</b>		<b>Total Patient Revenue</b>	\$1,394,680,066
Operating Room	\$30,892,330	\$203,438,721	0.1519	659%		<b>Contractual Allowance (Discounts)</b>	\$1,067,436,507
Anesthesiology	\$161,098	\$63,779,187	0.0025	39590%		<b>Net Patient Revenues</b>	\$327,243,559
Radiology - Diagnostic	\$12,778,814	\$156,490,690	0.0817	1225%		<b>Percent Discount</b>	<b>77%</b>
Cardiac Catheterization	\$6,660,314	\$103,269,915	0.0645	1551%			
Laboratory	\$12,315,082	\$92,641,653	0.1329	752%			
IV Therapy	\$4,172,947	\$30,119,312	0.1385	722%			
Medical Supplies (charged)	\$16,958,834	\$119,829,804	0.1415	707%			
Implantable Devices (charged)	\$18,165,470	\$120,187,150	0.1511	662%			
Drugs (charged)	\$24,933,672	\$158,806,513	0.157	637%			
Renal Dialysis	\$776,078	\$2,189,977	0.3544	282%			
<b>TOTAL</b>	<b>\$153,735,383</b>	<b>\$1,170,414,283</b>	<b>0.1314</b>	<b>761%</b>			

Appendix F

Distracted Driving Laws by State

By

Governors' Highway Safety Association

**Distracted Driving Laws by State**  
Updated November 2019

State	Hand-held Ban	All Cell Phone Ban		Text Messaging Ban			Crash Data
		School Bus Drivers	Novice Drivers	All Drivers	School Bus Drivers	Novice Drivers	
Alabama			16, or 17 w/ Intermediate License <6 months (Primary)	Yes (Primary)	Covered under all driver ban		Yes
Alaska				Yes (Primary)	Covered under all driver ban		Yes
Arizona	Yes (Primary)	Yes (Primary)					Yes
Arkansas <sup>1</sup>	18 - 20 years old (Primary)	Yes (Primary)	<18 (Secondary)	Yes (Primary)	Covered under all driver ban		Yes
California	Yes (Primary)	Yes (Primary)	<18 (Secondary)	Yes (Primary)	Covered under all driver ban		Yes
Colorado			<18 (Primary)	Yes (Primary)	Covered under all driver ban		Yes
Connecticut	Yes (Primary)	Yes (Primary)	<18 (Primary)	Yes (Primary)	Covered under all driver ban		
Delaware	Yes (Primary)	Yes (Primary)	Learner or Intermediate License (Primary)	Yes (Primary)	Covered under all driver ban		Yes
D.C.	Yes (Primary)	Yes (Primary)	Learners Permit (Primary)	Yes (Primary)	Covered under all driver ban		Yes
Florida				Yes (Secondary)	Covered under all driver ban		Yes
Georgia	Yes (Primary)	Yes (Primary)	<18 (Primary)	Yes (Primary)	Covered under all driver ban		Yes
Guam	Yes (Primary)			Yes (Primary)	Covered under all driver ban		
Hawaii	Yes (Primary)		<18 (Primary)	Yes (Primary)	Covered under all driver ban		Yes
Idaho				Yes (Primary)	Covered under all driver ban		Yes
Illinois	Yes (Primary)	Yes (Primary)	<19 (Primary)	Yes (Primary)	Covered under all driver ban		Yes
Indiana			<21 (Primary) (eff. 7/2015)	Yes (Primary)	Covered under all driver ban		Yes
Iowa			Restricted or Intermediate License (Primary)	Yes (Primary)	Covered under all driver ban		Yes
Kansas			Learner or Intermediate License (Primary)	Yes (Primary)	Covered under all driver ban		Yes
Kentucky		Yes (Primary)	<18 (Primary)	Yes (Primary)	Covered under all driver ban		Yes
Louisiana	Learner or Intermediate License (regardless of age)	Yes (Primary)	1st year of License (Primary for <18)	Yes (Primary)	Covered under all driver ban		Yes



Maine	Yes (Primary)	Yes (Primary)	Learner or Intermediate License (Primary)	Yes (Primary)	Covered under all driver ban	Yes
Maryland	Yes (Primary)		<18 (Primary)	Yes (Primary)	Covered under all driver ban	Yes
Massachusetts	Yes (Primary)	Yes (Primary)	<18 (Primary)	Yes (Primary)	Covered under all driver ban	Yes
Michigan		Yes (Primary)	Level 1 or 2 License (Primary)	Yes (Primary)	Covered under all driver ban	Yes
Minnesota	Yes (Primary)	Yes (Primary)	<18 w/ Learner or Provisional License (Primary)	Yes (Primary)	Covered under all driver ban	Yes
Mississippi		Yes (Primary)		Yes (Primary)	Covered under all driver ban	Yes
Missouri					<21 (Primary)	Yes
Montana						Yes
Nebraska			<18 w/ Learner or Intermediate License (Secondary)	Yes (Secondary)	Covered under all driver ban	Yes
Nevada	Yes (Primary)			Yes (Primary)	Covered under all driver ban	Yes
New Hampshire	Yes (Primary)		<18 (Primary)	Yes (Primary)	Covered under all driver ban	
New Jersey	Yes (Primary)	Yes (Primary)	Permit or Provisional License (Primary)	Yes (Primary)	Covered under all driver ban	Yes
New Mexico	In State vehicles		Learner or Provisional License (Primary)	Yes (Primary)	Covered under all driver ban	Yes
New York	Yes (Primary)			Yes (Primary)	Covered under all driver ban	Yes
North Carolina		Yes (Primary)	<18 (Primary)	Yes (Primary)	Covered under all driver ban	Yes
North Dakota			<18 (Primary)	Yes (Primary)	Covered under all driver ban	Yes
Ohio			<18 (Primary)	Yes (Secondary)	Covered under all driver ban	Yes
Oklahoma	Learner or Intermediate License (Primary)			Yes (Primary)	Covered under all driver ban	Yes
Oregon	Yes (Primary)		<18 (Primary)	Yes (Primary)	Covered under all driver ban	Yes
Pennsylvania				Yes (Primary)	Covered under all driver ban	Yes

Puerto Rico	Yes (Primary)			Yes (Primary)	Covered under all driver ban		
Rhode Island	Yes (Primary)	Yes (Primary)	<18 (Primary)	Yes (Primary)	Covered under all driver ban		Yes
South Carolina				Yes (Primary)	Covered under all driver ban		Yes
South Dakota			Learner or Intermediate License (Secondary)	Yes (Secondary)	Covered under all driver ban		Yes
Tennessee	Yes (Primary)	Yes (Primary)	Learner or Intermediate License (Primary)	Yes (Primary)	Covered under all driver ban		Yes
Texas <sup>2</sup>		Yes, w/ passenger <17 (Primary)	<18 (Primary)		Yes, w/ passenger <17 (Primary)	<18 (Primary)	Yes
Utah		Yes (Primary)	<18 (Primary)	Yes (Primary)	Covered under all driver ban		Yes
Vermont	Yes (Primary)		<18 (Primary)	Yes (Primary)	Covered under all driver ban		Yes
Virgin Islands	Yes (Primary)			Yes (Primary)	Covered under all driver ban		Yes
Virginia		Yes (Primary)	<18 (Secondary)	Yes (Primary)	Covered under all driver ban		Yes
Washington	Yes (Primary)		Learner or Intermediate License (Primary)	Yes (Primary)	Covered under all driver ban		Yes
West Virginia	Yes (Primary)		<18 w/ Learner or Intermediate License (Primary)	Yes (Primary)	Covered under all driver ban		Yes
Wisconsin			Learner or Intermediate License (Primary)	Yes (Primary)	Covered under all driver ban		Yes
Wyoming				Yes (Primary)	Covered under all driver ban		Yes
<b>Total States</b>	<b>21 + D.C., PR, Guam, Virgin Islands</b>  All Primary	<b>20 + D.C.</b>  All Primary	<b>38 + D.C.</b>  Primary (32 + D.C.)  Secondary (6)	<b>46 + D.C., PR, Guam, Virgin Islands</b>  Primary (41 + D.C., PR, Guam, Virgin Islands)  Secondary (5)	<b>1</b>  Primary	<b>2</b>  Primary	<b>48 + D.C., Virgin Islands</b>
<sup>1</sup> Arkansas also bans the use of hand-held cell phones while driving in a school zone or in a highway construction zone. This law is secondarily enforced.							
<sup>2</sup> Texas has banned the use of hand-held phones and texting in school zones.							