



## Engrossed SB 30 Compared to Filed SB 30

1. The filed bill provided that a plaintiff in an injury lawsuit could not be awarded for unpaid medical bills more than 150% of the average amount paid to providers by private payors for the services the plaintiff received, as determined from the All-Payor Claims Database (APCD) or the workers' compensation fee schedules. The engrossed bill changes this benchmark to 300% of the Medicare reimbursement rate. This applies only to *unpaid* bills. For *paid* bills, the plaintiff is entitled to present evidence of the paid amounts.
2. The filed bill was amended to provide that the 300% benchmark is based on the Medicare fee schedule that exists on May 1, 2025. The benchmark then is adjusted for inflation according to the Consumer Price Index (CPI). The Medicare reimbursement rate may rise or fall over time, but the benchmark rate will increase or decrease using the CPI.
3. Amendments to Chapter 18 of the Civil Practice and Remedies Code allow a healthcare provider who treated an injured person to file an affidavit in that person's lawsuit stating the reasonable charges for necessary services provided to that person. The engrossed SB 30 provides that if the affidavit (1) states charges equal to or below 300% of the Medicare reimbursement rate for each service *or* the amounts actually received by the provider in payment for the services *and* (2) states that the provider will not appear at trial to give testimony, the provider cannot be compelled to participate in the lawsuit by any party. This encourages providers to treat injured persons. Some commentators argued that SB 30, as filed, could be interpreted to force providers to participate in lawsuits. Therefore, the engrossed bill states that a provider could be required to participate in the lawsuit *only if*, subsequent to filing the affidavit, he or she announced an intent to testify at trial.
4. SB 30, as engrossed, provides a limitation on the *evidence* that may be submitted by a plaintiff at trial, not a limitation on the plaintiff's *recovery*, as in the filed bill. The filed bill provided that a plaintiff's presentation of evidence regarding the value of medical care was not limited, but her recovery would be reduced if the jury's award for medical care was above the benchmark rate for the medical services (150% of the APCD or workers' compensation fee schedules, in the filed bill). The engrossed bill, however, provides that the plaintiff cannot present *evidence* of medical bills above the 300% benchmark.
5. The engrossed SB 30 changed the definition of mental or emotional pain or anguish:

- a. The filed bill provided that an injury had to cause “a substantial disruption in the person’s *daily routine*.” This was changed to say that the injury must cause “a substantial disruption in the person’s *life*.”
  - b. A sentence was added to the engrossed bill to provide that mental anguish damages may include damages for emotional pain related to disfigurement and physical impairment, in addition to such matters as loss of enjoyment of life, which were named in the filed bill and remain in the engrossed bill.
6. The definition of physical pain and suffering was changed:
  - a. To delete a requirement that the pain be “significant in magnitude.”
  - b. To include references to disfigurement.
  - c. To add “in cases of sexual assault or abuse, is corroborated by medical evidence or a prior consistent statement.”
7. “Licensed professional counselor” and “psychologist” were added to the definition of “provider,” making these providers’ bills subject to the 300% benchmark.
8. The filed bill was criticized for being too open-ended in the admission of plaintiff’s medical records. In the engrossed bill, mandatory admission of evidence applies *only* to the plaintiff’s medical records related to the specific injuries at issue in the lawsuit.
9. The engrossed bill deletes the provision in the filed bill that an award of non-economic damages requires a unanimous jury.
10. The engrossed bill deletes the filed bill’s provision that a plaintiff’s failure to use health insurance would be deemed a failure to mitigate damages.
11. The engrossed bill deletes the filed bill’s provision that it would be reversible error for a lawyer to state to a jury that an award of money was related to the value of human life.
12. The engrossed bill deletes all the remittitur provisions in the filed bill. Therefore, the threshold amounts in the filed bill’s remittitur provisions are not in the engrossed bill.
13. The engrossed bill adds a provision that the trial-procedure provisions of SB 30 apply to pending cases in which trial has not commenced.