

# Medical Bills in Car Crash Cases

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How we discover  
prove up, &  
challenge  
medical bills  
continues  
to evolve

- 2019 procedural changes to § 18.001
- *In re Allstate* (Tex. 2021)
- *In re K&L Auto Crushers* (Tex. 2021)  
and more recent supreme court cases
- Collateral source rule

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## How we discover prove up, & challenge medical bills continues to evolve

Questions include:

- How can plaintiffs most efficiently prove up medical expenses?
- To controvert or not controvert under 18.001?
- Why challenge a controverting affidavit under 18.001?
- Admissibility of *North Cypress*-type insurance rate information?
- Failure to mitigate defense vs. collateral source rule

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## 18.001 & Paid vs. Incurred Background

- How do you prove up or challenge medical expenses?

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Recovery of medical expenses in car crash cases is limited to:

- Amounts actually paid or incurred,
- that are reasonable, and
- necessary

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### “Paid or Incurred”

- Paid or Incurred Statute:  
Tex. Civ. Prac. & Rem. Code § 41.0105
- Provides: “In addition to any other limitation under law, recovery of medical or health care expenses incurred is limited to the amount actually paid or incurred by or on behalf of the claimant.”
- Limits both evidence & recovery of medical expenses  
*Haygood v. Escabedo*, 356 S.W.3d 390 (Tex. 2011)

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