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May 4, 2010

Re: **OHIO SUPREME COURT HOLDS EVIDENCE OF MEDICAL BILL “WRITE-OFFS”
IS ADMISSIBLE AT TRIAL**

On May 4, 2010, the Ohio Supreme Court decided *Jaques v. Manton*, Slip Opinion No. [2010-Ohio-1838](#), reversing the Sixth Ohio District Court of Appeals, and reaffirming the reasoning adopted by the Court in *Robinson v. Bates*, 112 Ohio St.3d 17, 2006-Ohio-6362, permitting a defendant to introduce at trial evidence of medical bills “written off” by the healthcare provider. In *Robinson v. Bates*, the Ohio Supreme Court held the amount accepted by a medical provider as full payment for treatment of the plaintiff is admissible in a personal injury action, even when that amount is less than the amount originally billed. In *Jaques*, the plaintiff argued R.C. §2315.20, the codified “collateral source rule” effective April 6, 2005, superseded the holding in *Robinson v. Bates*, and barred the introduction of medical bill “write-offs” by the defendant at trial. Consequently, the defendant in *Jaques* was prohibited from introducing evidence of the write-offs at trial. The Sixth District upheld the trial court’s decision.

The Supreme Court disagreed with the lower courts, and has now affirmatively held the collateral source rule, articulated in R.C. §2315.20, does **not** prohibit the defendant from introducing the amounts actually accepted by the plaintiff’s health care providers as full and final payment for medically necessary services. The Supreme Court held a plaintiff is entitled to recover the reasonable value of medical expenses incurred due to the defendant’s conduct. The reasonable value may be the amount billed by the medical providers, the amount accepted as full payment by the provider, or some amount in between. The “reasonable value” of medical services is a matter for the jury to determine from *all* relevant evidence. As such, both the original medical bill rendered, and the amount accepted as full and payment, are admissible to prove the reasonableness and necessity of charges rendered for medical and hospital care.

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May 4, 2010

Page 2

We thought you would appreciate receiving information regarding this significant and favorable legal development as soon as possible. Please do not hesitate to contact our office if you have any questions or wish to discuss.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Tom F. Glassman', written in a cursive style.

Thomas F. Glassman