

again for the record and that is that in the previous amendment we adopted we actually struck the term "reasonable" and put in "usual and customary" with respect to medical charges, and in this amendment we are actually inserting the term "reasonable" and I just wanted to clarify. Reasonable is a well-known legal standard that is applied regularly by the courts, correct?

SENATOR LINDSAY: Usual and customary?

SENATOR WILL: No, reasonable.

SENATOR LINDSAY: Reasonable. Reasonable is, yes.

SENATOR WILL: And whereas usual and customary, as we inserted in the last amendment, is something that is specifically designed for medical charges.

SENATOR LINDSAY: It's a medical insurance term of art, yes.

SENATOR WILL: And so that's... it's well understood what that means and in the previous amendment we were tightening it up and I assume we're doing the same thing with this amendment as well.

SENATOR LINDSAY: That's correct.

SENATOR WILL: Thank you.

SENATOR CROSBY: Thank you, Senator Will. Any further discussion on the Lindsay amendment? Senator Kristensen.

SENATOR KRISTENSEN: Thank you, Madam Speaker...or Madam President, members of the Legislature. Senator Lindsay, I just want to close the door a little bit on this and your discussion sparked one of the concerns that I've had for some time. When we talk about any expert medical testimony related to recovery of damages are we talking about the doctors going to a deposition and the... and the cost, because that testimony is within their control under this language? Are we talking about their appearance, must be a reasonable fee for their appearance?

SENATOR LINDSAY: That's correct.

SENATOR KRISTENSEN: And so what we really are doing here is... I mean reasonable, even though Senator Will thinks that that's a specific term, that's a pretty broad term, as Senator Hall