

HB0107S01 compared with HB0107

~~text~~ shows text that was in HB0107 but was deleted in HB0107S01.

text shows text that was not in HB0107 but was inserted into HB0107S01.

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Representative Mike K. McKell proposes the following substitute bill:

HOSPITAL LIEN LAW AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mike K. McKell

Senate Sponsor: John L. Valentine

LONG TITLE

General Description:

This bill modifies the Hospital Lien Law.

Highlighted Provisions:

This bill:

- ▶ subject to certain exceptions, prohibits a hospital from asserting a lien upon a judgment, settlement, or compromise relating to an accident if treatment for the accident is covered by workers' compensation or private health insurance; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

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Utah Code Sections Affected:

AMENDS:

38-7-1, as last amended by Laws of Utah 1996, Chapter 167

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **38-7-1** is amended to read:

38-7-1. Lien of hospital on judgment, settlement, or compromise in certain accident cases authorized.

(1) ~~[Every]~~ (a) ~~Except as provided in Subsection (3),~~ a hospital located within the state that furnishes emergency, medical, or other service to a patient injured by reason of an accident ~~[not covered by workmen's compensation]~~ is entitled to assert a lien upon that portion of the judgment, settlement, or compromise going or belonging to ~~[such]~~ the patient, or, in the case of death, to ~~[such]~~ the patient's heirs or personal representatives, less the amount paid by the patient, or on behalf of ~~[such]~~ the patient~~;~~ by heirs or personal representatives, for ~~[attorney's]~~ attorney fees, court costs, and other necessary expenses incidental to obtaining the judgment, settlement, or compromise~~;~~ ~~provided, that no~~.

(b) No reduction of the asserted lien amount is allowed other than the amount paid by the patient, or ~~[such]~~ the patient's heirs, or personal representatives for ~~[attorney's]~~ attorney fees, court costs, and other necessary expenses incidental to litigation ~~[is allowed]~~, unless otherwise agreed to in writing by the lien claimant.

(c) The hospital lien~~;~~ ~~however, shall~~ does not apply to ~~[any]~~ a judgment, settlement, or compromise where the amount is \$100 or less. ~~[This subsection shall apply to any lien on file in the district court of the county on the effective date of this act. Liens on file with the office of the county clerk shall be transferred to the respective county district court on May 1, 1996.]~~

(2) A hospital ~~[lien may be filed upon damages recovered, or to be recovered, either as a result of a judgment, or upon a contract of settlement or compromise;]~~ may file a lien described in Subsection (1) for the amount of the reasonable, usual, and necessary hospital charges for treatment, care, and maintenance of the injured party in the hospital up to the date of payment of the damages.

(3) (a) Except as provided in Subsection (3)(b), a hospital may not assert a lien under

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Subsection (1) if the services provided by the hospital are covered by workers' compensation or private health insurance.

(b) (i) A hospital that provides a service described in Subsection (3)(a) may assert a lien under Subsection (1) if ~~workers' compensation or~~:

(A) the private health insurer ~~disputes or~~ denies coverage; ~~or~~

(B) the private health insurer does not pay the hospital within 180 days after the day on which the hospital bills the private health insurer.

(ii) A lien asserted under Subsection (3)(b)(i)(B) shall be withdrawn when the private health insurer pays the contracted amount, or, in the event there is no contract, the amount agreed to by the private health insurer and the hospital for the service rendered.

~~(iii)~~ (iii) A hospital that provides a service described in Subsection (3)(a) may assert a lien under Subsection (1) for a co-payment or deductible owed by the patient if the amount of the co-payment or deductible conforms with any contractual discount provided by the hospital to the insurer.

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Legislative Review Note

as of 1-31-13 7:12 PM

Office of Legislative Research and General Counsel