

- SUBJECT:** Changing notice deadline for hospital, emergency medical services liens
- COMMITTEE:** Business and Industry — favorable, without amendment
- VOTE:** 7 ayes — Oliveira, Simmons, Collier, Fletcher, Rinaldi, Romero, Villalba
0 nays
- WITNESSES:** For — Teresa Kiel, County and District Clerks’ Association of Texas;
(*Registered, but did not testify:* Patti Henry, Cary Roberts, Diane Hoefling, Donna Brown, and Caroline Woodburn, County and District Clerks’ Association of Texas)

Against — None
- BACKGROUND:** Under Property Code, ch. 55 a hospital or emergency medical services provider has a lien on a cause of action or claim of an individual who received either hospital or emergency medical services, whichever is applicable, for injuries caused by an accident that is attributed to the negligence of another person. The lien attaches to a cause of action, a judgment of a court in a proceeding, and the proceeds of a settlement related to a claim by the injured individual based on those injuries.

For the lien to attach, the individual must be admitted to the hospital or receive the emergency medical services, whichever is applicable, within 72 hours of the accident. To secure the lien, a hospital or emergency services provider must provide notice to the injured individual and file written notice of the lien with the county clerk of the county in which the services were provided.
- DIGEST:** HB 1862 would change the date by which the hospital or emergency services provider would need to send a written notice to the injured individual or the individual’s legal representative in order to secure the hospital or emergency services provider’s lien. The hospital or emergency services provider would be required to send the notice within five business days of the date the hospital or emergency services provider filed

the notice of lien with the county clerk.

The bill would take effect September 1, 2015, and would apply only to a lien for services provided to an injured individual on or after that date.

**SUPPORTERS
SAY:**

HB 1862 would clarify the county clerk's duties in the lien-recording process for liens filed by a hospital or emergency services provider. It would remove confusing wording that has led to the mistaken belief that it was the duty of the county clerk to send a hospital or emergency services provider notice that a lien had been recorded. When a lien is recorded, it puts the public on notice of its existence — nothing more is required by the county clerk.

**OPPONENTS
SAY:**

HB 1862 is unnecessary because current law does not require the county clerk to send notice to a hospital or emergency medical services provider. The most efficient way to clarify this would be to correctly train new clerks in the counties that have this misunderstanding.