

BILL ANALYSIS

Senate Research Center

S.B. 202
By: Harris
Jurisprudence
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As Filed

DIGEST

Currently, Chapter 55, Texas Property Code, induces hospitals to receive patients, injured by negligence of others, by giving the hospital a lien on the claims, suit or settlement of the patient against the negligent third party. Other health care providers are not permitted by law to place a lien on that amount, and, if they choose to provide services, must attempt separate legal action to receive their costs if the patient decides not to pay them with their settlement or award. This bill provides certain health care providers liens on recoveries in civil actions involving health care services provided due to a negligent third party.

PURPOSE

As proposed, S.B. 202 provides certain healthcare services liens on certain recoveries in civil actions and requires the healthcare providers to give notice of such a lien.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 55, Property Code, as follows:

CHAPTER 55. New heading: HEALTH CARE SERVICES LIEN

Sec. 55.001. DEFINITIONS. Defines "health care provider" and deletes the definition of "hospital."

Sec. 55.002. LIEN. Provides that a health care provider, rather than a hospital, has a lien on a cause of action or claim of an individual who receives health care services for injuries caused by an accident that is attributed to the negligence of another person. Deletes a provision requiring an individual to be admitted to a hospital within 72 hours after the accident. Provides that the lien extends to both health care provider (provider) who initially provides treatment and another provider to which the individual is referred. Makes conforming changes.

Sec. 55.003. PROPERTY TO WHICH LIEN ATTACHES. Sets forth certain claims to which a lien does and does not attach. Makes conforming changes.

Sec. 55.004. AMOUNT OF LIEN. Provides that a lien does not cover hospital operating costs which exceed cost limits under Section 413.30, 42 Code of Federal Regulations. Makes conforming and nonsubstantive changes.

Sec. 55.005. SECURING LIEN. Requires a provider to attach an affidavit to a notice of lien, if the provider did not provide services before the end of the 72nd hour after the accident described in the notice, and the services provided to the injured individual were for injuries caused by the accident. Requires the affidavit to be signed by the provider, if the provider is an individual, or a person in charge of the finances of the provider, if the provider is not an individual. Makes conforming changes.

Sec. 55.006. DISCHARGE OF LIEN. Makes conforming changes.

Sec. 55.007. VALIDITY OF RELEASE. Makes conforming changes.

Sec. 55.008. New heading: RECORDS. Makes conforming changes.

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Emergency clause.