

BILL ANALYSIS

Senate Research Center

C.S.S.B. 202
By: Harris
Jurisprudence
3-20-97
Committee Report (Substituted)

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, C.S.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, by adding Section 55.0045, as follows:

Sec. 55.0045. PHYSICIAN'S CHARGES. Authorizes a lien to include the amount of a physician's charges for services provided to the injured individual in the hospital's emergency room during the period described by Section 55.004(a). Authorizes a hospital to act on behalf of the physician with respect to securing and discharging the lien, at the request of a physician.

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Deletes previous SECTION 1. Adds new SECTION 1, Section 55.0045, Property Code, to authorize a lien to include the amount of a physician's charges for services provided to the injured individual in the hospital's emergency room during the period described by Section 55.004(a). Authorizes a hospital to act on behalf of the physician with respect to securing and discharging the lien, at the request of a physician.