

## **BILL ANALYSIS**

Senate Research Center  
77R11958 AJA-D

S.B. 913  
By: Ogden  
Jurisprudence  
4-4-2001  
Committee Report (Substituted)

### **DIGEST AND PURPOSE**

Currently, hospitals are allowed to place a lien on a cause of action or claim of an individual who receives emergency medical services for injuries caused by an accident that is attributed to the negligence of another person, but 911 emergency ambulance providers are not. Emergency Medical Services (EMS) providers are an essential component of public safety and the costs to counties providing EMS are increasing. C.S.S.B. 913 allows EMS providers to place a lien against insurance policies for their services, rather than relying on taxpayer subsidies.

### **RULEMAKING AUTHORITY**

This bill does not expressly 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: HOSPITAL AND EMERGENCY MEDICAL SERVICES LIENS

Sec. 55.001. DEFINITIONS. Defines “emergency medical services” and “emergency medical services provider.”

Sec. 55.002. LIEN. Provides that an emergency medical services provider has a lien on a cause of action or claim of an individual who receives emergency medical services in a county with a population of 275,000 or less for injuries caused by an accident that is attributed to the negligence of another person. Requires the individual to receive the emergency medical services not later than 72 hours after the accident, in order for the lien to attach.

Sec. 55.003. PROPERTY TO WHICH LIEN ATTACHES. Provides that a lien under this chapter attaches to a cause of action for damages arising from an injury for which the injured individual is admitted to the hospital or receives emergency medical services. Provides that the lien does not attach to a claim under the Federal Longshore and, rather than Longshoremen’s or, Harbor Workers’ Compensation Act. Provides that a hospital lien described by Section 55.002 does not attach to a claim against the owner or operator of a railroad company that maintains or whose employees maintain a hospital in which the injured individual is receiving hospital services. Deletes text regarding claims against the owner or operator of a railroad company. Makes conforming changes.

Sec. 55.004. AMOUNT OF LIEN. Provides that a hospital lien described by Section 55.002 is for the amount of the hospital’s charges for services provided to the injured individual during the first 100 days of the injured individual’s hospitalization, except that the lien does not cover certain excessive charges. Provides that an emergency medical services lien described by Section 55.002 is for the amount charged by the emergency medical services provider for emergency medical services provided to the injured individual during the 72 hours following the

accident that caused the individual's injuries, except that the lien does not cover charges for services that exceed a reasonable and regular rate for the service. Makes a conforming change.

Sec. 55.005. SECURING LIEN. Makes conforming changes.

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

Sec. 55.007. VALIDITY OF RELEASE. Provides that a release of a cause of action or judgment to which a lien under this chapter may attach is not valid unless the charges of the hospital or emergency medical services provider claiming the lien were paid in full before the execution and delivery of the release. Makes conforming changes.

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

SECTION 2. Effective date: September 1, 2001.

Makes application of this Act prospective.

### **SUMMARY OF COMMITTEE CHANGES**

SECTION 1. Adds that a county must have a certain minimum population in order for an emergency medical services provider to have a lien on a cause of action or claim on an individual who was injured by the negligence of another person. Specifies that a hospital lien does not cover certain charges for services provided to the injured individual.

SECTION 2. No change.