

BILL ANALYSIS

Senate Research Center
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S.B. 2066
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Several hospitals are facing legal challenges alleging that Texas law currently limits hospital liens to inpatient care. Texas hospitals strongly believe that the Texas Legislature always intended the lien law to apply to all hospital care, regardless of whether the patient is discharged from the emergency department or admitted to the inpatient setting.

Texas' Hospital and Emergency Medical Services Lien Statute permits hospitals to file liens and recoup costs associated with treating accident victims who have no health insurance or financial ability to pay for their care.

Procedurally, a hospital lien attaches to: (1) a cause of action for damages arising from the injury for which the person is admitted to the hospital or receives emergency medical services; (2) a judgment of a court or a decision of a public agency in a proceeding to recover damages arising from the injury; and (3) the proceeds of a settlement of a cause of action or claim arising from the injury.

S.B. 2066 clarifies the statute to ensure that hospitals may pursue a lien to recoup their costs for delivering life-saving care regardless of whether that care was delivered in an emergency room or any other hospital department.

As proposed, S.B. 2066 amends current law relating to the attachment of a hospital lien on a cause of action or claim of an injured person who receives hospital services.

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 Section 55.001(3), Property Code, to redefine "hospital."

SECTION 2. Amends Sections 55.002(a) and (b), Property Code, as follows:

(a) Requires the individual, for the lien to attach, to receive services from a hospital, rather than requiring the individual to be admitted to a hospital, not later than 72 hours after the accident.

(b) Provides that the lien extends to both the hospital from which an individual initially receives services, rather than the admitting hospital, and a hospital to which the individual is transferred for treatment of the same injury.

SECTION 3. Amends Section 55.003(a), Property Code, as follows:

(a) Provides that a lien under this chapter attaches to:

(1) a cause of action for damages arising from an injury for which the injured individual receives services from, rather than is admitted to, the hospital or receives emergency medical services; and

(2) - (4) makes conforming changes.

SECTION 4. Amends Sections 55.004(b) and (c), Property Code, as follows:

(b) Provides that a hospital lien described by Section 55.002(a) is for the amount of the hospital's charges for services provided to the injured individual during the first 100 days that the injured individual receives services from the hospital, rather than the injured individual's hospitalization. Makes a nonsubstantive change.

(c) Makes conforming changes.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Effective date: September 1, 2017.