

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1082
93RD GENERAL ASSEMBLY

Reported from the Committee on Judiciary April 12, 2006 with recommendation that House Committee Substitute for House Bill No. 1082 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

3829L.03C

AN ACT

To repeal sections 430.225 and 430.235, RSMo, and to enact in lieu thereof two new sections relating to health care liens.

Be it enacted by the General Assembly of the state of Missouri, as follows:

- Section A. Sections 430.225 and 430.235, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 430.225 and 430.235, to read as follows:
- 430.225. 1. As used in sections 430.225 to 430.250, the following terms shall mean:
- (1) "Claim", a claim of a patient for:
- (a) Damages from a tort-feasor; or
- (b) Benefits from an insurance carrier;
- (2) "Clinic", a group practice of health practitioners or a sole practice of a health practitioner who has incorporated his or her practice;
- (3) "Health practitioner", a chiropractor licensed pursuant to chapter 331, RSMo, a podiatrist licensed pursuant to chapter 330, RSMo, a dentist licensed pursuant to chapter 332, RSMo, a physician or surgeon licensed pursuant to chapter 334, RSMo, or an optometrist licensed pursuant to chapter 336, RSMo, while acting within the scope of their practice;
- (4) "Insurance carrier", any person, firm, corporation, association or aggregation of persons conducting an insurance business pursuant to chapter 375, 376, 377, 378, 379, 380, 381, or 383, RSMo;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14 (5) "Other institution", a legal entity existing pursuant to the laws of this state which
15 delivers treatment, care or maintenance to patients who are sick or injured;

16 (6) "Patient", any person to whom a health practitioner, hospital, clinic or other
17 institution delivers treatment, care or maintenance for sickness or injury caused by a tort-feasor
18 from whom such person seeks damages or any insurance carrier which has insured such
19 tort-feasor.

20 2. Clinics, health practitioners and other institutions, as defined in this section, shall have
21 the same rights granted to hospitals in sections 430.230 to 430.250.

22 3. If the liens of such health practitioners, hospitals, clinics or other institutions exceed
23 fifty percent of the amount due the patient, every health care practitioner, hospital, clinic or other
24 institution giving notice of its lien, as aforesaid, shall share in up to fifty percent of the net
25 proceeds due the patient, in the proportion that each claim bears to the total amount of all other
26 liens of health care practitioners, hospitals, clinics or other institutions. "Net proceeds", as used
27 in this section, means the amount remaining after the payment of contractual attorney fees, if any,
28 and other expenses of recovery.

29 4. In administering the lien of the health care provider, the insurance carrier may pay the
30 amount due secured by the lien of the health care provider directly, if the claimant authorizes it
31 and does not challenge the amount of the customary charges or that the treatment provided was
32 for injuries caused by the tort-feasor **and the amount is the customary charge.**

33 5. Any health care provider electing to receive benefits hereunder releases the claimant
34 from further liability on the cost of the services and treatment provided to that point in time.

430.235. Notwithstanding the provisions of section 430.230, every public hospital or
2 clinic, and every privately maintained hospital, clinic or other institution for the care of the sick,
3 [which is supported in whole or in part by charity, located within the state of Missouri,] or any
4 such hospital duly incorporated under the laws of Missouri providing for the incorporation of
5 eleemosynary institutions, shall have a lien upon any and all claims, counterclaims, demands,
6 suits, or rights of action of:

7 (1) Any person admitted to any hospital, clinic or other institution and receiving
8 treatment, care or maintenance therein for any cause including any personal injury sustained by
9 such person as the result of the negligence or wrongful act of another, which such [injured
10 person] **persons** may have, assert or maintain against the person or persons causing such injury
11 for damages on account of such injury, for the cost of such services, computed at reasonable rates
12 not to exceed the customary charges for the services and the customary charges for necessary
13 X-ray, laboratory, operating room and medication services as such hospital, clinic or other
14 institution shall render such injured person on account of his **or her** conditions. The lien set
15 forth in this section shall not be applied or considered valid against anyone coming under the

16 workers' compensation law in this state. The lien set forth in this section shall be considered
17 valid and may be applied against medical benefits paid anyone under the provisions of chapter
18 208, RSMo, whether such benefits are paid from state or federal funds, or a combination thereof;
19 **or**

20 **(2) If a person brings an action under sections 537.080 to 537.100, RSMo, for the**
21 **wrongful death of a person, and has made an oral or written demand or has demanded in**
22 **the petition of a wrongful death action the recovery of medical expenses incurred by the**
23 **decedent for treatment of the decedent's injuries, there shall be a lien as to the action in an**
24 **amount equal to that portion of the provider's medical expenses which are not satisfied**
25 **from the decedent's estate. Such lien shall be strictly limited to the recovery of medical**
26 **expenses incurred for the treatment of injuries of the decedent which were reasonably**
27 **related to the treatment of the injury or injuries which contributed to or caused the death**
28 **of the decedent.**

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