

BILL ANALYSIS

Senate Research Center

S.B. 504
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Jurisprudence
3/7/2003
Committee Report (Amended)

DIGEST AND PURPOSE

Currently, a hospital is authorized to secure a lien on a cause of action or claim of an individual who receives hospital services for injuries caused by an accident that is attributed to the negligence of another person. When injuries are caused by an accident, emergency medical services providers frequently provide a significant amount of medical care and services but are not authorized to secure a lien on a cause of action or claim. S.B. 504 authorizes an emergency medical services provider to secure a lien for care and services rendered in counties with a population of 275,000 or less.

RULEMAKING AUTHORITY

Rulemaking authority is granted to certain emergency medical services providers in SECTION 1 (Section 55.008, Property Code) of this bill.

SECTION BY SECTION ANALYSIS

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

New heading: CHAPTER 55. HOSPITAL AND EMERGENCY MEDICAL SERVICES LIENS

Sec. 55.001. DEFINITIONS. Adds definitions for “emergency medical services” and “emergency medical services provider.”

Sec. 55.002. LIEN. (a) No change to this Subsection.

(b) No change to this Subsection.

(c) 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, for the lien to attach, to receive the emergency medical services not later than 72 hours after the accident.

Sec. 55.003. PROPERTY TO WHICH LIEN ATTACHES. (a) Makes conforming changes regarding property to which a lien attaches.

(b) Provides that a lien does not attach to certain entities.

(c) Provides that a hospital lien described by Section 55.002(a) 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.

Sec. 55.004. AMOUNT OF LIEN. (a) No change to this Subsection.

(b) Makes conforming changes.

(c) Makes conforming changes.

(d) Makes conforming changes.

(e) Makes conforming changes.

(f) Provides that an emergency medical services lien described by Section 55.002(c) 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.

(g) Provides that an emergency medical services lien described by Section 55.002(c) does not cover certain charges.

Sec. 55.005. SECURING LIEN. 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. (a) Effective date: September 1, 2003.

(b) Makes application of this Act prospective.

SUMMARY OF COMMITTEE CHANGES

Differs from original by amending SECTION 1 (Section 55.004(f), Property Code) to insert between "services provider" and "for emergency medical services" the following language: ", not to exceed \$1,000,".