

By: Carona

S.B. No. 747

A BILL TO BE ENTITLED

AN ACT

relating to notice of a hospital lien.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 55.005, Property Code, is amended by amending Subsections (a) and (b) and adding Subsections (d), (e), (f), (g), and (h) to read as follows:

(a) To secure the lien, a hospital or emergency medical services provider must:

(1) provide notice to the injured individual in accordance with Subsection (d), (e), or (f); and

(2) file written notice of the lien with the county clerk of the county in which the services were provided~~].—The notice must be filed~~ before money is paid to an entitled person because of the injury.

(b) The notice filed under Subsection (a)(2) must contain:

(1) the injured individual's name and last known address;

(2) the date of the accident;

(3) the name and location of the hospital or emergency medical services provider claiming the lien; ~~and~~

(4) the name of the person alleged to be liable for damages arising from the injury, if known; and

(5) an affidavit by an agent of the hospital or emergency medical services provider that affirms that the notice to

1 the injured individual was given in accordance with Subsection (d).

2 (d) Except as provided by Subsection (e) or (f), not later
3 than the 10th day before the date a hospital or emergency medical
4 services provider files a notice with the county clerk under
5 Subsection (a)(2), the hospital or emergency medical services
6 provider must send a written notice to the injured individual by
7 certified mail, return receipt requested, to the individual's last
8 known address that states that:

9 (1) a hospital lien may attach to any cause of action
10 or claim the individual may have against another person for the
11 individual's injuries for any unpaid charges for hospital services
12 or emergency medical services provided in connection with the
13 injuries and specifies to whom the charges may be owed; and

14 (2) the hospital or emergency medical services
15 provider may file a notice of a hospital lien with the county clerk
16 of the county in which the services were provided, in accordance
17 with Chapter 55, Property Code.

18 (e) A hospital is not required to provide notice by mail if
19 the hospital provides the notice required by Subsection (d) to the
20 injured individual at the time of the individual's admission to the
21 hospital if:

22 (1) the notice is provided in a written document
23 separate from any other documents signed by or provided to the
24 individual at the time of the individual's admission to the
25 hospital; and

26 (2) the notice is signed by the injured individual or
27 the injured individual's representative.

1 (f) An emergency medical services provider is not required
2 to provide notice by mail if the emergency medical services
3 provider provides the notice required by Subsection (d) to the
4 injured individual or the injured individual's representative at
5 the time emergency medical services are provided if:

6 (1) the required notice is included on the emergency
7 medical services authorization form in a separate paragraph that is
8 bolded and in at least 14-point type; and

9 (2) except as provided by Subsection (g), the notice
10 is signed by the injured individual or the injured individual's
11 representative.

12 (g) For the purposes of Subsection (f), if consent for
13 emergency care of an individual is not required under Section
14 773.008, Health and Safety Code, notice provided on an emergency
15 medical services authorization form to the injured individual is
16 not required to be signed.

17 (h) The failure of an individual to receive a notice mailed
18 in accordance with Subsection (d) does not affect the validity of a
19 lien under this chapter.

20 SECTION 2. The change in law made by this Act applies only
21 to a lien for services provided to an injured individual on or after
22 the effective date of this Act. A lien for services provided before
23 the effective date of this Act is governed by the law in effect
24 immediately before the effective date of this Act, and that law is
25 continued in effect for that purpose.

26 SECTION 3. This Act takes effect September 1, 2009.