

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

1 (d) Not later than the 10th day before the date a hospital or
2 emergency medical services provider files a notice with the county
3 clerk under Subsection (a)(2), the hospital or emergency medical
4 services provider must send a written notice to the injured
5 individual by certified mail, return receipt requested, that:

6 (1) specifies the amount of the unpaid charges that
7 are the basis for a lien under this chapter and to whom the charges
8 are owed; and

9 (2) states that the hospital or emergency medical
10 services provider will file a notice of a hospital lien with the
11 county clerk of the county in which the services were provided, in
12 accordance with Chapter 55, Property Code, if the injured
13 individual does not pay the charges before the 10th day after the
14 date the notice is sent.

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

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