1-1 By: Carona   S.B. No. 747
1-2   (In the Senate - Filed February 10, 2009; February 25, 2009,
1-3 read first time and referred to Committee on State Affairs;
1-4 March 26, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; March 26, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 747   By: Carona

1-8   A BILL TO BE ENTITLED
1-9   AN ACT

1-10 relating to notice of a hospital lien.
1-11   BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
1-12   SECTION 1. Section 55.005, Property Code, is amended by
1-13 amending Subsections (a) and (b) and adding Subsections (d), (e),
1-14 and (f) to read as follows:
1-15   (a) To secure the lien, a hospital or emergency medical
1-16 services provider must:
1-17   (1) provide notice to the injured individual in
1-18 accordance with Subsection (d) or (e); and
1-19   (2) file written notice of the lien with the county
1-20 clerk of the county in which the services were provided[. The
1-21 notice must be filed] before money is paid to an entitled person
1-22 because of the injury.
1-23   (b) The notice filed under Subsection (a)(2) must contain:
1-24   (1) the injured individual's name and last known
1-25 address;
1-26   (2) the date of the accident;
1-27   (3) the name and location of the hospital or emergency
1-28 medical services provider claiming the lien; [and]
1-29   (4) the name of the person alleged to be liable for
1-30 damages arising from the injury, if known; and
1-31   (5) an affidavit by an agent of the hospital or
1-32 emergency medical services provider that affirms that the notice to
1-33 the injured individual was given in accordance with Subsection (d).
1-34   (d) Except as provided by Subsection (e), not later than the
1-35 10th day before the date a hospital or emergency medical services
1-36 provider files a notice with the county clerk under Subsection
1-37 (a)(2), the hospital or emergency medical services provider must
1-38 send a written notice to the injured individual by certified mail,
1-39 return receipt requested, to the individual's last known address
1-40 that states that:
1-41   (1) a hospital lien may attach to any cause of action
1-42 or claim the individual may have against another person for the
1-43 individual's injuries for any unpaid charges for hospital services
1-44 or emergency medical services provided in connection with the
1-45 injuries and specifies to whom the charges may be owed; and
1-46   (2) the hospital or emergency medical services
1-47 provider may file a notice of a hospital lien with the county clerk
1-48 of the county in which the services were provided, in accordance
1-49 with Chapter 55, Property Code.
1-50   (e) A hospital or emergency medical services provider is not
1-51 required to provide notice by mail if the hospital or emergency
1-52 medical services provider provides the notice required by
1-53 Subsection (d) to the injured individual at the time of the
1-54 individual's admission to the hospital or at the time emergency
1-55 medical services are provided if:
1-56   (1) the notice is provided in a written document
1-57 separate from any other documents signed by or provided to the
1-58 individual at the time of the individual's admission to the
1-59 hospital or at the time the emergency medical services are
1-60 provided; and
1-61   (2) the notice is signed by the injured individual or
1-62 the injured individual's representative.
1-63   (f) The failure of an individual to receive a notice mailed

2-1 <u>in accordance with Subsection (d) does not affect the validity of a</u>
2-2 <u>lien under this chapter.</u>
2-3   SECTION 2. The change in law made by this Act applies only
2-4 to a lien for services provided to an injured individual on or after
2-5 the effective date of this Act. A lien for services provided before
2-6 the effective date of this Act is governed by the law in effect
2-7 immediately before the effective date of this Act, and that law is
2-8 continued in effect for that purpose.
2-9   SECTION 3. This Act takes effect September 1, 2009.

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