

By: Carona
(Deshotel)

S.B. No. 328

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 Subsection (a) and adding Subsections (d) through (g) 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.

(d) Except as provided by Subsection (e), not later than the fifth business day after the date a hospital or emergency medical services provider receives notice from the county clerk that a notice of lien filed under Subsection (a)(2) has been recorded in the county records, the hospital or emergency medical services provider must send a written notice to the injured individual or the injured individual's legal representative, by regular mail, to the individual's last known address, informing the individual that:

(1) the lien will attach to any cause of action or claim the individual may have against another person for the

1 individual's injuries; and

2 (2) the lien does not attach to real property owned by
3 the individual.

4 (e) An emergency medical services provider is not required
5 to provide notice by mail if the emergency medical services
6 provider provides the notice required by Subsection (d) to the
7 injured individual or the injured individual's representative at
8 the time emergency medical services are provided and if:

9 (1) the required notice is included on the emergency
10 medical services authorization form in a paper or electronic
11 version in a separate paragraph that is bolded and in at least
12 14-point type; and

13 (2) except as provided by Subsection (f), the notice
14 is signed by the injured individual or the injured individual's
15 representative.

16 (f) For the purposes of Subsection (e), if consent for
17 emergency care of an individual is not required under Section
18 773.008, Health and Safety Code, notice provided on an emergency
19 medical services authorization form to the injured individual is
20 not required to be signed.

21 (g) The failure of an individual to receive a notice mailed
22 in accordance with Subsection (d) does not affect the validity of a
23 lien under this chapter.

24 SECTION 2. The change in law made by this Act applies only
25 to a lien for services provided to an injured individual on or after
26 the effective date of this Act. A lien for services provided before
27 the effective date of this Act is governed by the law in effect

1 immediately before the effective date of this Act, and that law is
2 continued in effect for that purpose.

3 SECTION 3. This Act takes effect September 1, 2011.