

By: Carona

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 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 affirmation by an agent of the hospital or emergency medical services provider that the notice to the injured

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

2 (d) Except as provided by Subsection (e) or (f), on or  
3 before the date a hospital or emergency medical services provider  
4 files a notice with the county clerk under Subsection (a)(2), the  
5 hospital or emergency medical services provider must send a written  
6 notice to the injured individual by certified mail, return receipt  
7 requested, to the individual's last known address that states that:

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

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

17 (3) a hospital lien attaches to the proceeds of a cause  
18 of action or settlement the injured individual receives but does  
19 not attach to real property owned by the individual.

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

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

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

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

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

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

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

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

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

1 continued in effect for that purpose.

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