

1-1 By: Carona S.B. No. 328
1-2 (In the Senate - Filed January 11, 2011; February 2, 2011,
1-3 read first time and referred to Committee on State Affairs;
1-4 March 8, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; March 8, 2011,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 328 By: Lucio

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 Subsection (a) and adding Subsections (d) through (g) to
1-14 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); 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~~].~~
1-21 ~~The notice must be filed~~ before money is paid to an entitled person
1-22 because of the injury.

1-23 (d) Except as provided by Subsection (e), not later than the
1-24 fifth business day after the date a hospital or emergency medical
1-25 services provider receives notice from the county clerk that a
1-26 notice of lien filed under Subsection (a)(2) has been recorded in
1-27 the county records, the hospital or emergency medical services
1-28 provider must send a written notice to the injured individual or the
1-29 injured individual's legal representative, by regular mail, to the
1-30 individual's last known address, informing the individual that:

1-31 (1) the lien will attach to any cause of action or
1-32 claim the individual may have against another person for the
1-33 individual's injuries; and

1-34 (2) the lien does not attach to real property owned by
1-35 the individual.

1-36 (e) An emergency medical services provider is not required
1-37 to provide notice by mail if the emergency medical services
1-38 provider provides the notice required by Subsection (d) to the
1-39 injured individual or the injured individual's representative at
1-40 the time emergency medical services are provided and if:

1-41 (1) the required notice is included on the emergency
1-42 medical services authorization form in a paper or electronic
1-43 version in a separate paragraph that is bolded and in at least
1-44 14-point type; and

1-45 (2) except as provided by Subsection (f), the notice
1-46 is signed by the injured individual or the injured individual's
1-47 representative.

1-48 (f) For the purposes of Subsection (e), if consent for
1-49 emergency care of an individual is not required under Section
1-50 773.008, Health and Safety Code, notice provided on an emergency
1-51 medical services authorization form to the injured individual is
1-52 not required to be signed.

1-53 (g) The failure of an individual to receive a notice mailed
1-54 in accordance with Subsection (d) does not affect the validity of a
1-55 lien under this chapter.

1-56 SECTION 2. The change in law made by this Act applies only
1-57 to a lien for services provided to an injured individual on or after
1-58 the effective date of this Act. A lien for services provided before
1-59 the effective date of this Act is governed by the law in effect
1-60 immediately before the effective date of this Act, and that law is
1-61 continued in effect for that purpose.

1-62 SECTION 3. This Act takes effect September 1, 2011.

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