

By: Burkett

H.B. No. 3532

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the attachment of a hospital lien on a cause of action
3 or claim of an injured person who receives hospital services.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 55.001(3), Property Code, is amended to
6 read as follows:

7 (3) "Hospital" has the meaning assigned by Section
8 241.003, Health and Safety Code [~~means a person or institution~~
9 ~~maintaining a facility that provides hospital services in this~~
10 ~~state~~].

11 SECTION 2. Sections 55.002(a) and (b), Property Code, are
12 amended to read as follows:

13 (a) A hospital has a lien on a cause of action or claim of an
14 individual who receives hospital services for injuries caused by an
15 accident that is attributed to the negligence of another person.
16 For the lien to attach, the individual must receive services from
17 [~~be admitted to~~] a hospital not later than 72 hours after the
18 accident.

19 (b) The lien extends to both the [~~admitting~~] hospital from
20 which an individual initially receives services and a hospital to
21 which the individual is transferred for treatment of the same
22 injury.

23 SECTION 3. Section 55.003(a), Property Code, is amended to
24 read as follows:

1 (a) A lien under this chapter attaches to:

2 (1) a cause of action for damages arising from an
3 injury for which the injured individual receives services from [~~is~~
4 ~~admitted to~~] the hospital or receives emergency medical services;

5 (2) a judgment of a court in this state or the decision
6 of a public agency in a proceeding brought by the injured individual
7 or by another person entitled to bring the suit in case of the death
8 of the individual to recover damages arising from an injury for
9 which the injured individual receives services from [~~is admitted~~
10 ~~to~~] the hospital or receives emergency medical services; and

11 (3) the proceeds of a settlement of a cause of action
12 or a claim by the injured individual or another person entitled to
13 make the claim, arising from an injury for which the injured
14 individual receives services from [~~is admitted to~~] the hospital or
15 receives emergency medical services.

16 SECTION 4. Sections 55.004(b) and (c), Property Code, are
17 amended to read as follows:

18 (b) A hospital lien described by Section 55.002(a) is for
19 the amount of the hospital's charges for services provided to the
20 injured individual during the first 100 days that [~~of~~] the injured
21 individual receives services from the hospital [~~individual's~~
22 ~~hospitalization~~].

23 (c) A hospital lien described by Section 55.002(a) may also
24 include the amount of a physician's reasonable and necessary
25 charges for emergency hospital care services provided to the
26 injured individual during the first seven days that [~~of~~] the
27 injured individual receives services from the hospital

1 [~~individual's hospitalization~~]. At the request of the physician,
2 the hospital may act on the physician's behalf in securing and
3 discharging the lien.

4 SECTION 5. The change in law made by this Act applies only
5 to a lien for services provided to an injured individual on or after
6 the effective date of this Act. A lien for services provided before
7 the effective date of this Act is governed by the law as it existed
8 immediately before the effective date of this Act, and that law is
9 continued in effect for that purpose.

10 SECTION 6. This Act takes effect September 1, 2017.