

# SENATE AMENDMENTS

## 2<sup>nd</sup> Printing

By: Leach

H.B. No. 2064

A BILL TO BE ENTITLED

AN ACT

relating to the amount of a hospital or physician lien on certain causes of action or claims.

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

SECTION 1. Section 55.004(b), Property Code, is amended to read as follows:

(b) A hospital lien described by Section 55.002(a) is for the lesser of:

(1) the amount of the hospital's charges for services provided to the injured individual during the first 100 days of the injured individual's hospitalization less the pro rata share of attorney's fees and expenses the injured individual incurred in pursuing the claim; [~~or~~]

(2) 50 percent of all amounts recovered by the injured individual through a cause of action, judgment, or settlement described by Section 55.003(a) less the pro rata share of attorney's fees and expenses the injured individual incurred in pursuing the claim; or

(3) the amount awarded by the trier of fact for the services provided to the injured individual by the hospital less the pro rata share of attorney's fees and expenses the injured individual incurred in pursuing the claim.

SECTION 2. The change in law made by this Act applies only to a lien for services provided to an injured individual on or after

1 the effective date of this Act. A lien for services provided before  
2 the effective date of this Act is governed by the law in effect  
3 immediately before the effective date of this Act, and that law is  
4 continued in effect for that purpose.

5 SECTION 3. This Act takes effect immediately if it receives  
6 a vote of two-thirds of all the members elected to each house, as  
7 provided by Section 39, Article III, Texas Constitution. If this  
8 Act does not receive the vote necessary for immediate effect, this  
9 Act takes effect September 1, 2021.

ADOPTED

MAY 26 2021

Letsy Saw  
Secretary of the Senate

By: Bryan Hughes

H.B. No. 2064

Substitute the following for H.B. No. 2064:

By: Bryan Hughes

C.S. H.B. No. 2064

A BILL TO BE ENTITLED

AN ACT

relating to the amount of a hospital or physician lien on certain causes of action or claims.

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

SECTION 1. Section 55.004(b), Property Code, is amended to read as follows:

(b) A hospital lien described by Section 55.002(a) is for the lesser of:

(1) the amount of the hospital's charges for services provided to the injured individual during the first 100 days of the injured individual's hospitalization; ~~[or]~~

(2) 50 percent of all amounts recovered by the injured individual through a cause of action, judgment, or settlement described by Section 55.003(a); or

(3) if the trier of fact specifies the amount awarded for hospital charges for services provided to the injured individual, the amount awarded by the trier of fact for the services provided to the injured individual by the hospital less the pro rata share of reasonable attorney's fees and expenses the injured individual incurred in pursuing the claim.

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

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**May 27, 2021**

**TO:** Honorable Dade Phelan, Speaker of the House, House of Representatives

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB2064** by Leach (Relating to the amount of a hospital or physician lien on certain causes of action or claims.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Property Code to provide that certain hospital liens are for the lesser of the amount of the hospital's charges for services provided to the injured individual during the first 100 days of the injured individual's hospitalization; 50 percent of all amounts recovered by the injured individual through a cause of action, judgment, or settlement; or if the trier of fact specifies the amount awarded for hospital charges for services provided to the injured individual, the amount awarded by the trier of fact for the services provided to the injured individual by the hospital less the pro rata share of attorney's fees and expenses the injured individual incurred pursuing the claim.

Current law provides that the lien is for the lesser of the amount of the hospital's charges for services provided to the injured individual during the first 100 days of the injured individual's hospitalization or 50 percent of all amounts recovered by the injured individual through a cause of action, judgment, or settlement.

The bill would apply only to a lien for services provided to an injured individual on or after the bill's effective date. A lien for services provided before the effective date of the bill would be governed by the law in effect immediately before the bill's effective date, and that law is continued in effect for that purpose.

Based on information provided by the Office of Court Administration, no significant fiscal impact to the state court system is anticipated as a result from implementing the provisions of the bill.

The bill would take effect immediately upon receiving a two-thirds majority vote in both houses; otherwise, the bill would take effect September 1, 2021.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Admin

**LBB Staff:** JMc, SD, SMAT, BH, SLE, CMA, MW

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**May 18, 2021**

**TO:** Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE:** **HB2064** by Leach (relating to the amount of a hospital or physician lien on certain causes of action or claims.), **Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Property Code to provide that certain hospital liens are for the lesser of the amount of the hospital's charges for services provided to the injured individual during the first 100 days of the injured individual's hospitalization; 50 percent of all amounts recovered by the injured individual through a cause of action, judgment, or settlement; or if the trier of fact specifies the amount awarded for hospital charges for services provided to the injured individual, the amount awarded by the trier of fact for the services provided to the injured individual by the hospital less the pro rata share of attorney's fees and expenses the injured individual incurred pursuing the claim.

Current law provides that the lien is for the lesser of the amount of the hospital's charges for services provided to the injured individual during the first 100 days of the injured individual's hospitalization or 50 percent of all amounts recovered by the injured individual through a cause of action, judgment, or settlement.

The bill would apply only to a lien for services provided to an injured individual on or after the bill's effective date. A lien for services provided before the effective date of the bill would be governed by the law in effect immediately before the bill's effective date, and that law is continued in effect for that purpose.

Based on information provided by the Office of Court Administration, no significant fiscal impact to the state court system is anticipated as a result from implementing the provisions of the bill.

The bill would take effect immediately upon receiving a two-thirds majority vote in both houses; otherwise, the bill would take effect September 1, 2021.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Admin

**LBB Staff:** JMc, SMAT, BH, SLE, CMA, MW

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**May 12, 2021**

**TO:** Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB2064** by Leach (Relating to the amount of a hospital or physician lien on certain causes of action or claims.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Property Code to provide that certain hospital liens are for the lesser of the amount of the hospital's charges for services provided to the injured individual during the first 100 days of the injured individual's hospitalization less the pro rata share of attorney's fees and expenses the injured individual incurred in pursuing the claim; 50 percent of all amounts recovered by the injured individual through a cause of action, judgment, or settlement less the pro rata share of attorney's fees and expenses the injured individual incurred in pursuing the claim; or the amount awarded by the trier of fact for the services provided to the injured individual by the hospital less the pro rata share of attorney's fees and expenses the injured individual incurred pursuing the claim.

Current law provides that the lien is for the lesser of the amount of the hospital's charges for services provided to the injured individual during the first 100 days of the injured individual's hospitalization or 50 percent of all amounts recovered by the injured individual through a cause of action, judgment, or settlement.

The bill would apply only to a lien for services provided to an injured individual on or after the bill's effective date. A lien for services provided before the effective date of the bill would be governed by the law in effect immediately before the bill's effective date, and that law is continued in effect for that purpose.

Based on information provided by the Office of Court Administration, no significant fiscal impact to the state court system is anticipated as a result from implementing the provisions of the bill.

The bill would take effect immediately upon receiving a two-thirds majority vote in both houses; otherwise, the bill would take effect September 1, 2021.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Admin

**LBB Staff:** JMc, SMAT, SLE, BH, CMA, MW

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**  
**Revision 1**

**April 28, 2021**

**TO:** Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB2064** by Leach (relating to the amount of a hospital or physician lien on certain causes of action or claims.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Property Code to provide that certain hospital liens are for the lesser of the amount of the hospital's charges for services provided to the injured individual during the first 100 days of the injured individual's hospitalization less the pro rata share of attorney's fees and expenses the injured individual incurred in pursuing the claim; 50 percent of all amounts recovered by the injured individual through a cause of action, judgment, or settlement less the pro rata share of attorney's fees and expenses the injured individual incurred in pursuing the claim; or the amount awarded by the trier of fact for the services provided to the injured individual by the hospital less the pro rata share of attorney's fees and expenses the injured individual incurred pursuing the claim.

Current law provides that the lien is for the lesser of the amount of the hospital's charges for services provided to the injured individual during the first 100 days of the injured individual's hospitalization or 50 percent of all amounts recovered by the injured individual through a cause of action, judgment, or settlement.

The bill would apply only to a lien for services provided to an injured individual on or after the bill's effective date. A lien for services provided before the effective date of the bill would be governed by the law in effect immediately before the bill's effective date, and that law is continued in effect for that purpose.

Based on information provided by the Office of Court Administration, no significant fiscal impact to the state court system is anticipated as a result from implementing the provisions of the bill.

The bill would take effect immediately upon receiving a two-thirds majority vote in both houses; otherwise, the bill would take effect September 1, 2021.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Admin

**LBB Staff:** JMc, SLE, BH, CMA, MW



**LEGISLATIVE BUDGET BOARD**

Austin, Texas

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

April 22, 2021

**TO:** Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB2064** by Leach (relating to the operation and administration of and practice and procedure related to proceedings in the judicial branch of state government.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Property Code to provide that certain hospital liens are for the lesser of the amount of the hospital's charges for services provided to the injured individual during the first 100 days of the injured individual's hospitalization less the pro rata share of attorney's fees and expenses the injured individual incurred in pursuing the claim; 50 percent of all amounts recovered by the injured individual through a cause of action, judgment, or settlement less the pro rata share of attorney's fees and expenses the injured individual incurred in pursuing the claim; or the amount awarded by the trier of fact for the services provided to the injured individual by the hospital less the pro rata share of attorney's fees and expenses the injured individual incurred pursuing the claim.

Current law provides that the lien is for the lesser of the amount of the hospital's charges for services provided to the injured individual during the first 100 days of the injured individual's hospitalization or 50 percent of all amounts recovered by the injured individual through a cause of action, judgment, or settlement.

The bill would apply only to a lien for services provided to an injured individual on or after the bill's effective date. A lien for services provided before the effective date of the bill would be governed by the law in effect immediately before the bill's effective date, and that law is continued in effect for that purpose.

Based on information provided by the Office of Court Administration, no significant fiscal impact to the state court system is anticipated as a result from implementing the provisions of the bill.

The bill would take effect immediately upon receiving a two-thirds majority vote in both houses; otherwise, the bill would take effect September 1, 2021.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Admin

**LBB Staff:** JMc, SLE, BH, MW

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**March 22, 2021**

**TO:** Honorable Jeff Leach, Chair, House Committee on Judiciary & Civil Jurisprudence

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB2064** by Leach (Relating to the amount of a hospital or physician lien on certain causes of action or claims.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Property Code to provide that certain hospital liens are for the lesser of the amount of the hospital's charges for services provided to the injured individual during the first 100 days of the injured individual's hospitalization; 50 percent of all amounts recovered by the injured individual through a cause of action, judgment, or settlement; or the amount awarded by the trier of fact for the services provided to the injured individual by the hospital less the pro rata share of attorney's fees and expenses the injured individual incurred pursuing the claim.

Current law provides that the lien is for the lesser of the amount of the hospital's charges for services provided to the injured individual during the first 100 days of the injured individual's hospitalization or 50 percent of all amounts recovered by the injured individual through a cause of action, judgment, or settlement.

Based on information provided by the Office of Court Administration, no significant fiscal impact to the state court system is anticipated as a result from implementing the provisions of the bill.

The bill would take effect immediately upon receiving a two-thirds majority vote in both houses; otherwise, the bill would take effect September 1, 2021.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 212 Office of Court Admin

**LBB Staff:** JMc, SLE, MW, BH