

SECOND REGULAR SESSION

# SENATE BILL NO. 1057

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR LOUDON.

Read 1st time February 15, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

4922L.011

## AN ACT

To repeal section 430.225, RSMo, and to enact in lieu thereof one new section relating to physical therapists.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 430.225, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 430.225, to read as follows:

430.225. 1. As used in sections 430.225 to 430.250, the following terms  
2 shall mean:

3 (1) "Claim", a claim of a patient for:

4 (a) Damages from a tort-feasor; or

5 (b) Benefits from an insurance carrier;

6 (2) "Clinic", a group practice of health practitioners or a sole practice of  
7 a health practitioner who has incorporated his or her practice;

8 (3) "Health practitioner", a chiropractor licensed pursuant to chapter 331,  
9 RSMo, a podiatrist licensed pursuant to chapter 330, RSMo, a dentist licensed  
10 pursuant to chapter 332, RSMo, **a physical therapist licensed under chapter**  
11 **334, RSMo**, a physician or surgeon licensed pursuant to chapter 334, RSMo, or  
12 an optometrist licensed pursuant to chapter 336, RSMo, while acting within the  
13 scope of their practice;

14 (4) "Insurance carrier", any person, firm, corporation, association or  
15 aggregation of persons conducting an insurance business pursuant to chapter 375,  
16 376, 377, 378, 379, 380, 381, or 383, RSMo;

17 (5) "Other institution", a legal entity existing pursuant to the laws of this  
18 state which delivers treatment, care or maintenance to patients who are sick or  
19 injured;

20 (6) "Patient", any person to whom a health practitioner, hospital, clinic or

21 other institution delivers treatment, care or maintenance for sickness or injury  
22 caused by a tort-feasor from whom such person seeks damages or any insurance  
23 carrier which has insured such tort-feasor.

24         2. Clinics, health practitioners and other institutions, as defined in this  
25 section, shall have the same rights granted to hospitals in sections 430.230 to  
26 430.250.

27         3. If the liens of such health practitioners, hospitals, clinics or other  
28 institutions exceed fifty percent of the amount due the patient, every health care  
29 practitioner, hospital, clinic or other institution giving notice of its lien, as  
30 aforesaid, shall share in up to fifty percent of the net proceeds due the patient,  
31 in the proportion that each claim bears to the total amount of all other liens of  
32 health care practitioners, hospitals, clinics or other institutions. "Net proceeds",  
33 as used in this section, means the amount remaining after the payment of  
34 contractual attorney fees, if any, and other expenses of recovery.

35         4. In administering the lien of the health care provider, the insurance  
36 carrier may pay the amount due secured by the lien of the health care provider  
37 directly, if the claimant authorizes it and does not challenge the amount of the  
38 customary charges or that the treatment provided was for injuries caused by the  
39 tort-feasor.

40         5. Any health care provider electing to receive benefits hereunder releases  
41 the claimant from further liability on the cost of the services and treatment  
42 provided to that point in time.

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