

SECOND REGULAR SESSION

SENATE BILL NO. 977

89TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CURLS.

Read 1st time February 26, 1998, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

S4009.011

AN ACT

To repeal sections 430.230, 430.235, 430.240 and 430.250, RSMo 1994, relating to liens for the protection of licensed health practitioners, and to enact in lieu thereof four new sections relating to the same subject.

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

Section A. Sections 430.230, 430.235, 430.240 and 430.250, RSMo 1994, are repealed and four new sections enacted in lieu thereof, to be known as sections 430.230, 430.235, 430.240 and 430.250, to read as follows:

430.230. Every [public hospital or clinic, and every privately maintained hospital, clinic] **health practitioner licensed by the state of Missouri and every hospital, clinic** or other institution for the care of the sick[, which is supported in whole or in part by charity,] located within the state of Missouri[, or any such hospital duly incorporated under the laws of Missouri providing for the incorporation of eleemosynary institutions,] shall have a lien upon any and all claims, counterclaims, demands, suits, or rights of action of any person admitted to any hospital, clinic or other institution [and] **or** receiving treatment, care or maintenance therein for any cause including any personal injury sustained by such person as the result of the negligence or wrongful act of another, which such injured person may have, assert or maintain against the person or persons causing such injury for damages on account of such injury, for the cost of such services, computed at reasonable rates not to exceed [twenty-five dollars per day and the reasonable cost of] **the customary charges for** necessary X-ray, laboratory, operating room, [and] medication service **and other treatment**, as such **health practitioner**, hospital, clinic, or other institution shall render such injured person on account of his **or her** conditions; provided further, that the

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

lien herein set forth shall not be applied or considered valid against anyone coming under the workers' compensation law in this state.

430.235. Notwithstanding the provisions of section 430.230, every [public] hospital or [clinic, and every privately maintained hospital,] clinic or other institution for the care of the sick[, which is supported in whole or in part by charity, located within the state of Missouri, or any such hospital duly incorporated under the laws of Missouri providing for the incorporation of eleemosynary institutions,] shall have a lien upon any and all claims, counterclaims, demands, suits, or rights of action of any person admitted to any hospital, clinic or other institution [and] **or** receiving treatment, care or maintenance therein for any cause including any personal injury sustained by such person as the result of the negligence or wrongful act of another, which such injured person may have, assert or maintain against the person or persons causing such injury for damages on account of such injury, for the cost of such services, computed at reasonable rates not to exceed the customary charges for the services and the customary charges for necessary X-ray, laboratory, operating room and medication services as such hospital, clinic or other institution shall render such injured person on account of his **or her** conditions. The lien set forth in this section shall not be applied or considered valid against anyone coming under the workers' compensation law in this state. The lien set forth in this section shall be considered valid and may be applied against medical benefits paid anyone under the provisions of chapter 208, RSMo, whether such benefits are paid from state or federal funds, or a combination thereof.

430.240. No such lien shall be effective, however, unless a written notice containing the name and address of the injured person, the date of the accident, the name [and] **of the health practitioner or the** location of the hospital and the name of the person or persons, firm or firms, corporation or corporations alleged to be liable to the injured party for the injuries received, shall be sent by registered mail with return receipt requested, to the person or persons, firm or firms, corporation or corporations, if known, alleged to be liable to the injured party, if known, for the injuries sustained prior to the payment of any moneys to such injured person, his **or her** attorneys or legal representative, as compensation for such injuries. Such hospital **or health practitioner** shall send by registered mail with return receipt requested a copy of such notice to any insurance carrier, if known, which has insured such person, firm or corporation against such liability.

430.250. Any person or persons, firm or firms, corporation or corporations, including an insurance carrier, making any payment to such patient or to his **or her** attorneys or heirs or legal representatives as compensation for the injury sustained, after the receipt of such notice in accordance with the requirements of section 430.240, without paying to such hospital **or health practitioner** the amount of its lien or so much thereof as can be satisfied out of fifty percent of the moneys due to such patient under any final judgment or compromise or settlement agreement after paying the amount of attorneys' liens, federal and Missouri workers' compensation liens, and any prior liens, shall have a period of one year, after such settlement is made known to the

hospital **or health practitioner**, from the date of payment to such patient or his **or her** heirs, attorneys or legal representatives, as aforesaid, **to** be and remain liable to such hospital **or health practitioner** for the amount which such hospital **or health practitioner** was entitled to receive, as aforesaid, and any such [association, corporation or other institution maintaining such] hospital **or health practitioner** may, within such period, enforce its lien by a suit at law against such person or persons, firm or firms, corporation or corporations making any such payment.

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