

5-3/20/96 Judiciary

MAR 5 1996
Place On Calendar

HOUSE FILE 2452
BY COMMITTEE ON COMMERCE AND
REGULATION

(SUCCESSOR TO HF 2096)

Passed House, ^(p.844) Date 3/20/96 Passed Senate, Date _____
Vote: Ayes 98 Nays 2 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for the establishment of a lien by licensed
2 professionals against damages collected by an injured patient.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22

HF 2452

1 Section 1. Section 582.1, Code 1995, is amended to read as
2 follows:

3 582.1 NATURE OF LIEN.

4 Every association, corporation, county, or other
5 institution, including a municipal corporation, maintaining a
6 hospital in the state, ~~which shall furnish~~ and every licensed
7 professional who furnishes medical or other service to any
8 patient injured by reason of an accident not covered by the
9 workers' compensation Act, shall, if ~~such~~ the injured party
10 ~~shall assert~~ asserts or ~~maintain~~ maintains a claim against
11 another for damages on account of ~~such~~ the injuries, have a
12 lien upon that part going or belonging to ~~such~~ the patient of
13 any recovery or sum had or collected or to be collected by
14 ~~such~~ the patient, or by the patient's heirs or personal
15 representatives in the case of the patient's death, whether by
16 judgment or by settlement or compromise to the amount of the
17 reasonable and necessary charges of ~~such~~ the hospital or
18 licensed professional, if applicable, for the treatment, care,
19 and maintenance of such the patient in such the hospital or by
20 the licensed professional, if applicable, up to the date of
21 payment of such the damages; provided, however, that this lien
22 shall not in any way prejudice or interfere with any lien or
23 contract which may be made by such the patient or the
24 patient's heirs or personal representatives with any attorney
25 or attorneys for handling the claim on behalf of such patient,
26 the patient's heirs, or personal representatives; provided,
27 further, that the lien herein-set-forth shall not be applied
28 or considered valid against anyone coming under the workers'
29 compensation Act in this state. For the purposes of this
30 chapter, "licensed professional" means an individual licensed
31 to practice medicine and surgery pursuant to chapter 148,
32 licensed to practice osteopathic medicine and surgery pursuant
33 to chapter 150A, or licensed to practice chiropractic pursuant
34 to chapter 151.

35 Sec. 2. Section 582.2, Code 1995, is amended to read as

1 follows:

2 582.2 WRITTEN NOTICE OF LIEN.

3 ~~No-such~~ A lien shall not be effective~~,-however,~~ unless a
4 written notice containing the name and address of the injured
5 person, the date of the accident, the name and location of the
6 hospital, the name of the licensed professional, if
7 applicable, and the name of the person or persons, firm or
8 firms, corporation or corporations alleged to be liable to the
9 injured party for the injuries received, ~~shall-be~~ is filed in
10 the office of the clerk of the district court of the county in
11 which ~~such~~ the hospital is located or the licensed
12 professional practices, if applicable, prior to the payment of
13 any moneys to ~~such~~ the injured person, the person's attorneys
14 or legal representative, as compensation for ~~such~~ the
15 injuries; nor unless the hospital and the licensed
16 professional, if applicable, shall also mail, postage prepaid,
17 a copy of ~~such~~ the notice with a statement of the date of
18 filing ~~thereof~~ of the notice to the person or persons, firm or
19 firms, corporation or corporations alleged to be liable to the
20 injured party for the injuries sustained prior to the payment
21 of any moneys to ~~such~~ the injured person, the person's
22 attorneys or legal representative, as compensation for ~~such~~
23 the injuries. ~~Such~~ The hospital shall mail a copy of ~~such~~ the
24 notice to any insurance carrier which has insured ~~such~~ the
25 person, firm, or corporation against ~~such~~ the liability, if
26 the name and address ~~shall-be~~ are known.

27 Sec. 3. Section 582.3, Code 1995, is amended to read as
28 follows:

29 582.3 DURATION AND ENFORCEMENT OF LIEN.

30 Any person or persons, firm or firms, corporation or
31 corporations, including an insurance carrier, making any
32 payment to ~~such~~ a patient or to the patient's attorneys or
33 heirs or legal representatives as compensation for the injury
34 sustained, after the filing and mailing of ~~such~~ the notice
35 without paying to ~~such~~ the hospital or any licensed

1 professional, if applicable, the amount of its the lien or so
2 much thereof as can be satisfied out of the moneys due under
3 any final judgment or compromise or settlement agreement,
4 after paying the amount of any prior liens, shall, for a
5 period of one year from the date of payment to such the
6 patient or the patient's heirs, attorneys, or legal
7 representatives, -as-aforsaid, -be-and remain liable to such
8 the hospital or licensed professional, if applicable, for the
9 amount which such the hospital or licensed professional, if
10 applicable, was entitled to receive as-aforsaid; any such
11 association, corporation, or other institution maintaining
12 such the hospital or any licensed professional, if applicable,
13 may, within such the period, enforce its the lien by a suit at
14 law against such the person or persons, firm or firms,
15 corporation or corporations making any such payment.

16 Sec. 4. Section 582.4, Code Supplement 1995, is amended to
17 read as follows:

18 582.4 LIEN BOOK -- FEES.

19 Every clerk of the district court shall, at the expense of
20 the county, provide a suitable well-bound book to be called
21 the hospital and licensed professional lien docket in which,
22 upon the filing of any lien claim under the provisions of this
23 chapter, the clerk shall enter the name of the injured person,
24 the date of the accident, and the name of the hospital or
25 other institution or of the licensed professional, if
26 applicable, making the claim. The clerk shall make a proper
27 index of the same claim in the name of the injured person and
28 the clerk shall collect a fee of ten dollars for filing each
29 lien claim.

30 EXPLANATION

31 This bill provides for the establishment of a lien against
32 sums collected by a person, injured in an accident not covered
33 by the workers' compensation law, as damages, for payment of
34 licensed professionals, in addition to the existing lien which
35 may be maintained by a hospital providing care, treatment, and

1 maintenance to a patient. The bill defines a licensed
2 professional as an individual licensed to practice medicine
3 and surgery, osteopathic medicine and surgery, or
4 chiropractic.

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35