

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 945

BY: EASLEY

AS INTRODUCED

AN ACT RELATING TO LIENS; AMENDING 42 O.S. 1991,  
SECTION 46 AND 59 O.S. 1991, SECTIONS 725.1 AND  
725.3, WHICH RELATE TO PHYSICIAN'S LIENS AND THE  
HEALING ARTS; MODIFYING PERSONS ENTITLED TO CERTAIN  
LIEN; CHANGING AND DEFINING TERMS; CLARIFYING  
LANGUAGE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 42 O.S. 1991, Section 46, is amended to read as follows:

Section 46. A. Every ~~physician~~ health care provider who performs medical services for any person injured as a result of the ~~negligence~~ negligent or willful act of another, shall, if the injured person asserts or maintains a claim against such other person for damages on account of such injuries, have a lien for the amount due for such medical services upon that part ~~going or belonging to the injured person~~ of any recovery or sum had or collected or to be collected by the injured person, or by his heirs, personal representative, or next of kin in the event of his death, whether by judgment, settlement, or compromise. Such lien shall be inferior to any lien or claim of any attorney handling the claim for or on behalf of the injured person. The lien shall not be applied or considered valid against any claim for amounts due pursuant to the provisions of Title 85 of the Oklahoma Statutes.

B. In addition to the lien provided for in subsection A of this section, every ~~physician~~ health care provider who performs medical services for any person injured as a result of the ~~negligence~~ negligent or willful act of another, shall have, if the injured person asserts or maintains a claim against an insurer, a lien for the amount due for such medical services upon any monies payable by the insurer to the injured person.

C. No lien which is provided for in this section shall be effective unless, before the payment of any monies to the injured person, his attorney, or legal representative as compensation for such injuries or death:

1. A written notice is sent setting forth an itemized statement of the amount claimed, identifying the insurance policy or policies against which the lien is asserted, if any, and containing the name and address of the ~~physician~~ health care provider claiming the lien, the injured person, and the person, firm, or corporation against whom the claim is made, is filed on the mechanic's and materialman's lien docket in the office of the county clerk of the county where the principal office of the ~~physician~~ health care provider is located; and

2. The ~~physician~~ health care provider sends, by registered or certified mail, postage prepaid, a copy of such notice with a statement of the date of filing thereof to the person, firm, or corporation against whom the claim is made and to the injured person. The ~~physician~~ health care provider shall also send a copy of the notice to the attorney for the injured person, if the name and address of such attorney is known to the ~~physician~~ health care provider.

D. The liens provided for in this section may be enforced by civil action in the district court of the county where the lien was filed. Such an action shall be brought within one (1) year from the time of the filing of the lien with the county clerk. The practice,

pleading, and proceedings in the action shall conform to the rules prescribed by the Oklahoma Pleading Code, Section 2001 et seq. of Title 12 of the Oklahoma Statutes, to the extent applicable.

E. "Health care provider", as used in this section, means any person, firm, corporation, partnership, association or other legal entity that is or should be licensed, certified, or otherwise authorized by the laws of this state to provide health care services, procedures or supplies in the ordinary course of business or practice of a profession.

SECTION 2. AMENDATORY 59 O.S. 1991, Section 725.1, is amended to read as follows:

Section 725.1 A. Every person who writes or prints, or causes to be written or printed, his name, ~~(whether or not the word "Doctor", or an abbreviation thereof, is used in connection~~ conjunction therewith) ~~in any manner,~~ in connection with such person in any manner engaging in, or in any manner holding himself out to the public as engaging in, any of the branches of the healing ~~art~~ arts as defined in ~~59 O.S. 1991 Section 702,~~ must subsection B of this section, shall append to his name so written or printed, in the same size letters as his name, appropriate and generally and easily understood words or letters, ~~which~~ clearly show and indicate the branch of the healing ~~art~~ arts in which he is licensed to practice ~~and is engaged.~~

B. The term "healing arts" means and includes any system, treatment, operation, diagnosis, prescription or practice for the ascertainment, cure, relief, palliation, adjustment or correction of any human disease, ailment, deformity, injury, or unhealthy or abnormal physical or mental condition.

SECTION 3. AMENDATORY 59 O.S. 1991, Section 725.3, is amended to read as follows:

Section 725.3 Any person who shall violate the provisions of this act shall be guilty of a misdemeanor and upon conviction

~~thereof~~ shall be ~~punished~~ punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail for not less than five (5) days nor more than thirty (30) days, or by both such fine and imprisonment. Each day ~~this act is violated~~ such violation continues shall constitute a separate offense ~~and shall be punishable as such.~~

SECTION 4. This act shall become effective September 1, 1992.

43-2-1806

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