

THE HOUSE OF REPRESENTATIVES
Thursday, February 28, 2008

Committee Substitute for
House Bill No. 3007

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3007 - By: JOHNSON (ROB) of the House.

An Act relating to liens; amending 42 O.S. 2001, Section 46, which relates to liens for medical services; providing for physical therapist to have a lien for performed medical services; and providing an effective date.

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

1 SECTION 1. AMENDATORY 42 O.S. 2001, Section 46, is amended to read as
2 follows:
3 Section 46. A. Every physician who performs medical services or any physical
4 therapist who provides physical therapy pursuant to Sections 887.1 through 887.18 of
5 Title 59 of the Oklahoma Statutes for any person injured as a result of the negligence or
6 act of another, shall, if the injured person asserts or maintains a claim against such
7 other person for damages on account of such injuries, have a lien for the amount due for
8 such medical or physical therapy services upon that part going or belonging to the
9 injured person of any recovery or sum had or collected or to be collected by the injured
10 person, or by ~~his~~ the heirs, personal representative, or next of kin of the injured person in
11 the event of his death, whether by judgment, settlement, or compromise. Such lien shall
12 be inferior to any lien or claim of any attorney handling the claim for or on behalf of the

1 injured person. The lien shall not be applied or considered valid against any claim for
2 amounts due pursuant to the provisions of Title 85 of the Oklahoma Statutes.

3 B. In addition to the lien provided for in subsection A of this section, every
4 physician or physical therapist who performs medical or physical therapy services for
5 any person injured as a result of the negligence or act of another, shall have, if the
6 injured person asserts or maintains a claim against an insurer, a lien for the amount due
7 for such medical or physical therapy services upon any monies payable by the insurer to
8 the injured person.

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

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

19 2. The physician or physical therapist sends, by registered or certified mail, postage
20 prepaid, a copy of such notice with a statement of the date of filing thereof to the person,
21 firm, or corporation against whom the claim is made and to the injured person. The
22 physician or physical therapist shall also send a copy of the notice to the attorney for the

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 injured person, if the name and address of such attorney is known to the physician or
2 physical therapist.

3 D. The liens provided for in this section may be enforced by civil action in the
4 district court of the county where the lien was filed. Such an action shall be brought
5 within one (1) year after the physician or physical therapist becomes aware of final
6 judgment, settlement or compromise of the claim asserted or maintained by or on behalf
7 of the injured person. The practice, pleading, and proceedings in the action shall conform
8 to the rules prescribed by the Oklahoma Pleading Code to the extent applicable.

9 SECTION 2. This act shall become effective November 1, 2008.

10 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY,
11 dated 02-27-08 - DO PASS, As Amended.