

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 HOUSE BILL NO. 3074

6 By: Dorman

7 COMMITTEE SUBSTITUTE

8 An Act relating to liens; amending 42 O.S. 2011,  
9 Section 43, which relates to hospital liens;  
10 providing for lien when injured party asserts claim  
11 against insurer; and providing an effective date.

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

14 SECTION 1. AMENDATORY 42 O.S. 2011, Section 43, is  
15 amended to read as follows:

16 Section 43. A. Every hospital in this state, which shall  
17 furnish emergency medical or other service to any patient injured by  
18 reason of an accident not covered by the Workers' Compensation ~~Act~~  
19 Code, shall, if such injured party shall assert or maintain a claim  
20 against another for damages on account of such injuries, have a lien  
21 upon any recovery or sum had or collected or to be collected by such  
22 patient, or by his or her heirs, personal representatives or next of  
23 kin in the case of his or her death, whether by judgment or by  
24 settlement or compromise to the amount of the reasonable and

1 necessary charges of such hospital for the treatment, care and  
2 maintenance of such patient in such hospital up to the date of  
3 payment of such damages. Provided, however, the lien shall be  
4 inferior to any lien or claim of any attorney or attorneys for  
5 handling the claim on behalf of such patient, his or her heirs or  
6 personal representatives; provided, further, that the lien herein  
7 set forth shall not be applied or considered valid against any claim  
8 for amounts due under the Workers' Compensation ~~Act~~ Code in this  
9 state.

10 B. In addition to the lien provided for in subsection A of this  
11 section, every hospital in this state, which shall furnish emergency  
12 medical or other service to any patient injured by reason of an  
13 accident not covered by the Workers' Compensation Code, shall have,  
14 if the injured person asserts or maintains a claim against an  
15 insurer, a lien for the amount due for the emergency medical or  
16 other service upon any monies payable by the insurer to the injured  
17 person. Provided, however, the lien shall be inferior to any lien  
18 or claim of any attorney or attorneys for handling the claim on  
19 behalf of such patient, his or her heirs or personal  
20 representatives; provided, further, that the lien herein set forth  
21 shall not be applied or considered valid against any claim for  
22 amounts due under the Workers' Compensation Code in this state.

23 C. This section shall apply, in medically referred cases, to a  
24 medical diagnostic imaging facility not affiliated with a hospital

1 that provides diagnostic imaging that includes, but is not limited  
2 to, modalities such as Magnetic Resonance Imaging (MRI), Computed  
3 Tomography (CT) and Positron Emission Tomography (PET).

4 SECTION 2. This act shall become effective November 1, 2012.

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6 53-2-9596 EK 02/21/12

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