

1 ENGROSSED HOUSE
2 BILL NO. 3074

By: Dorman of the House

3 and

4 Johnson (Rob) of the Senate

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

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

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

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

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

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

21 C. This section shall apply, in medically referred cases, to a
22 medical diagnostic imaging facility not affiliated with a hospital
23 that provides diagnostic imaging that includes, but is not limited
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1 to, modalities such as Magnetic Resonance Imaging (MRI), Computed
2 Tomography (CT) and Positron Emission Tomography (PET).

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

4 Passed the House of Representatives the 12th day of March, 2012.

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8 Presiding Officer of the House of
Representatives

9 Passed the Senate the ____ day of _____, 2012.

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