An Act

ENROLLED HOUSE
BILL NO. 3074

By: Dorman of the House

and

Johnson (Rob) of the Senate

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

SUBJECT: Hospital liens

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

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

Section 43. A. Every hospital in this state, which shall furnish emergency medical or other service to any patient injured by reason of an accident not covered by the Workers' Compensation ~~Act~~ Code, shall, if such injured party shall assert or maintain a claim against another for damages on account of such injuries, have a lien upon any recovery or sum had or collected or to be collected by such patient, or by his or her heirs, personal representatives or next of kin in the case of his or her death, whether by judgment or by settlement or compromise to the amount of the reasonable and necessary charges of such hospital for the treatment, care and maintenance of such patient in such hospital up to the date of payment of such damages. Provided, however, the lien shall be inferior to any lien or claim of any attorney or attorneys for handling the claim on behalf of such patient, his or her heirs or personal representatives; provided, further, that the lien herein set forth shall not be applied or considered valid against any claim for amounts due under the Workers' Compensation ~~Act~~ Code in this state.

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

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

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

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

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Presiding Officer of the House of Representatives

Passed the Senate the 18th day of April, 2012.

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Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this_____

day of _____, **20**____,

at_____ **o'clock** _____**M.**

_____

By: _____

Approved by the Governor of the State of Oklahoma the_____**day of**

_____, **20**____, **at**_____ **o'clock** _____**M.**

_____
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this_____

_____**day of**_____, **20**____,

at_____ **o'clock** _____**M.**

_____

By: _____