	Bill No. <u>SB 2604</u>
	Amendment No
I	CHAMBER ACTION House
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11	Senators Hargrett, Lee and Crist moved the following amendment
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14	Senate Amendment
15	On page 2, line 27, after the period,
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17	insert: If the patient is covered by or is a beneficiary of
18	commercial, nongovernmental health insurance coverage through
19	a health maintenance organization or other nongovernmental
20	entity that is under contract with the hospital to provide
21	care to the patient at the time care and treatment are
22	delivered, then the lien shall be limited to the covered
23	charges in effect at the time care and treatment were
24	delivered, and the lien shall not exceed the amount that the
25	hospital has contracted to accept from all sources for the
26	care and treatment of the patient. In the event of a claim or
27	action by the patient against a third party and the settlement
28	or judgment is less than or equal to a sum of the debt
29	actually due and owing the hospital, the settlement or
30	judgment will be equitably distributed based on the pro rata
31	reduction in the amount due the hospital and the patient,
-	1 12:20 PM 04/30/98 1 s2604b-21j01

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including a pro rata reduction in the amount of reasonable 1 2 attorney's fees and costs due the patient's attorney on that 3 portion of the settlement or judgment attributable to the 4 hospital's lien. In the event of a claim or action by the 5 patient against a third party, and the settlement or judgment 6 is greater than the debt actually due and owing the hospital, 7 but not adequate to cover the amount actually due and owing the hospital, as well as the patient's attorney's fees, then 8 9 the settlement or judgment will be equitably distributed based 10 on a pro rata share of the amount due the hospital and the patient, including a pro rata share for the amount of 11 12 reasonable attorney's fees and costs due the patient's 13 attorney and the hospital's attorney. In the event litigation 14 is filed to recover a plaintiff's damages through settlement 15 or judgment, then the hospital's lien actually collected shall 16 be subject to assessment, by reduction, for plaintiff's 17 attorney's fees, which for the lien assessment shall be capped 18 at 25 percent. 19 20 21 22 23 24 25 26 27 28 29 30 31

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