

Bill No. SB 2604

Amendment No. \_\_\_\_

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Grant moved the following amendment:

**Senate Amendment**

On page 2, line 27, after the period

insert: If the patient is covered by or is a beneficiary of commercial, nongovernmental health insurance coverage through a health maintenance organization or other nongovernmental entity that is under contract with the hospital to provide care to the patient at the time care and treatment are delivered, then the lien shall be limited to the covered charges in effect at the time care and treatment were delivered, and the lien shall not exceed the amount that the hospital has contracted to accept from all sources for the care and treatment of the patient. In the event of a claim or action by the patient against a third party for which the settlement or judgment is less than or equal to a sum of the debt actually due and owing the hospital, the plaintiff's economic damages excepting the hospital lien, and attorney's fees, the settlement or judgment will be equitably distributed based on the pro rata reduction in the amount due the hospital

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

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