Bill No. <u>HB 4081</u>
Amendment No. \_\_\_\_

	CHAMBER ACTION Senate House
_	· · · · · · · · · · · · · · · · · · ·
1	• •
2	:
3	:
4	
5	
6	
7	
8	
9	
10	
11	Senator Grant moved the following amendment:
12	
13	Senate Amendment
14	On page 2, line 27, after the period
15	
16	insert: If the patient is covered by or is a beneficiary of
17	commercial, nongovernmental health insurance coverage through
18	a health maintenance organization or other nongovernmental
19	entity that is under contract with the hospital to provide
20	care to the patient at the time care and treatment are
21	delivered, then the lien shall be limited to the covered
22	charges in effect at the time care and treatment were
23	delivered, and the lien shall not exceed the amount that the
24	hospital has contracted to accept from all sources for the
25	care and treatment of the patient. In the event of a claim or
26	action by the patient against a third party for which the
27	settlement or judgment is less than or equal to a sum of the
28	debt actually due and owing the hospital, the plaintiff's
29	economic damages excepting the hospital lien, and attorney's
30	fees, the settlement or judgment will be equitably distributed
31	based on the pro rata reduction in the amount due the hospital

Bill No. <u>HB 4081</u>
Amendment No. \_\_\_\_

```
and the patient, including a pro rata reduction in the amount
    of reasonable attorney's fees and costs due the patient's
 2
 3
    attorney on that portion of the settlement or judgment
 4
    attributable to the hospital lien and the hospital's attorney.
    In the event of a claim or action by the patient against a
 5
 6
    third party for which the settlement or judgment exceeds the
 7
    debt actually due and owing the hospital but is not adequate
    to cover the amount actually due and owing the hospital, as
 8
    well as the patient's attorney's fees and the plaintiff's
 9
10
    economic damages excepting the hospital lien, then the
    settlement or judgment will be equitably distributed based on
11
12
    a pro rata share of the amount due the hospital and the
    patient, including a pro rata share for the amount of
13
    reasonable attorney's fees and costs due the patient's
14
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.
20
21
22
23
24
25
26
27
29
30
31
```

10:15 PM 04/29/98 2 h4081b-13c6e