

Bill No. HB 4081

Amendment No. ____

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senators Hargrett, Lee and Crist moved the following amendment
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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 and the settlement or judgment is less than or equal to a sum of the debt actually due and owing the hospital, the settlement or judgment will be equitably distributed based on the pro rata reduction in the amount due the hospital and the patient,

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1 including a pro rata reduction in the amount of reasonable
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
8 the hospital, as well as the patient's attorney's fees, then
9 the settlement or judgment will be equitably distributed based
10 on a pro rata share of the amount due the hospital and the
11 patient, including a pro rata share for the amount of
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.

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