

hbd4743-06

Bill No. HB 4743

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
1		.	
2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

10

11 Representative(s) Sublette and D. Pruitt offered the  
12 following:

13

14 **Amendment**

15 On page 3, line 16,

16

17 after the period insert:

18 The lien is provided as security for, and attaches only  
19 for, debts actually due and owing to the hospitals by their  
20 patients, and not to any sums that the hospitals could not  
21 recover in a direct action against a patient as a result of  
22 any contractual arrangement between the patient, the patient's  
23 insurer, and the hospital. The lien shall be for an amount  
24 that the court may determine to be the hospital's pro rata  
25 share for the debt owed the hospital for medical care,  
26 treatment or maintained furnished by such hospital, less its  
27 pro rata share of court costs expended by the plaintiff in the  
28 prosecution of the suit including reasonable attorney's fees  
29 for the plaintiff's attorney. In determining the hospital's  
30 pro rata share of those costs and attorney's fees, the  
31 hospital shall have deducted from its recovery a percentage

hbd4743-06

Bill No. HB 4743

Amendment No. \_\_\_\_ (for drafter's use only)

1 amount equal to the percentage of the judgment or settlement  
2 which is for costs and attorney's fees. Subject to this  
3 deduction, the hospital shall recovery from the judgment or  
4 settlement, after costs and attorney's fees incurred by the  
5 patient or patient's representative in that suit have been  
6 deducted, 100 percent of the debt owed the hospital, except,  
7 if the patient or the patient's representative can demonstrate  
8 to the court that he or she did not recover full value of  
9 damages sustained, the hospital shall recover from the  
10 judgment or settlement, after costs and attorney's fees  
11 incurred by the patient or patient's representative in that  
12 suit have been deducted, a percentage of the debt owed the  
13 hospital equal to the percentage that the patient's net  
14 recovery is of the full value of the patient's damages.

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31