

2019 Regular Session

HOUSE BILL NO. 257

BY REPRESENTATIVE MOSS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PRIVILEGES/LIENS: Provides relative to the privilege of certain health care providers against proceeds recovered by injured persons

1 AN ACT

2 To amend and reenact R.S. 9:4752, 4753, and 4755, relative to privileges of health care
3 providers, hospitals, and ambulance services; to provide relative to the privilege of
4 health care providers, hospitals, and ambulance services against proceeds recovered
5 by injured persons; to provide the assignee of a health care provider, hospital, or
6 ambulance service with a right to claim the privilege; to provide relative to notice of
7 the privilege; to authorize delivery of the notice by email; and to provide for related
8 matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 9:4752 is hereby amended and reenacted to read as follows:

11 §4752. Privilege on net proceeds collected from third party in favor of medical
12 providers for services and supplies furnished injured persons

13 A. A health care provider, hospital, or ambulance service that furnishes
14 services or supplies to any injured person, or the assignee of the health care provider,
15 hospital, or ambulance service, shall have a privilege for the reasonable charges or
16 fees of such health care provider, hospital, or ambulance service on the net amount
17 payable to the injured person, his heirs, or legal representatives, out of the total
18 amount of any recovery or sum had, collected, or to be collected, whether by
19 judgment or by settlement or compromise, from another person on account of such
20 injuries, and on the net amount payable by any insurance company under any

1 contract providing for indemnity or compensation to the injured person. The
2 privilege of an attorney shall have precedence over the privilege created under this
3 Section.

4 B. Subject to the provisions of any agreement related to the assignment, an
5 assignee of a health care provider, hospital, or ambulance service provider shall be
6 subrogated to all of the same rights of their assignor, and the amount paid by the
7 assignee to the assignor shall not be relevant or admissible in any proceeding
8 concerning a third party that relates to collection or recovery of the assigned charges
9 or fees.

10 Section 2. R.S. 9:4753 and 4755 are hereby amended and reenacted to read as
11 follows:

12 §4753. Written notice

13 A. The privilege created by R.S. 9:4752 shall become effective if, prior to
14 the payment of insurance proceeds; or ~~to~~ the payment of any judgment, settlement,
15 or compromise on account of injuries, a written notice containing the name and
16 address of the injured person and the name and location of the interested health care
17 provider, hospital, or ambulance service is delivered by certified mail, return receipt
18 requested, ~~or~~ by facsimile transmission, or by email with proof of receipt of
19 transmission by the interested health care provider, hospital, or ambulance services,
20 or the attorney or agent for the interested health care provider, hospital, or ambulance
21 service, or the assignee of the health care provider, hospital, or ambulance service,
22 to all of the following:

- 23 (1) ~~to the~~ The injured person;
- 24 (2) ~~to his~~ The attorney; of the injured person.
- 25 (3) ~~to the~~ The person alleged to be liable to the injured person on account of
26 the injuries sustained;
- 27 (4) ~~to any~~ Any insurance carrier which has insured such person against
28 liability, ~~and.~~

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 257 Original

2019 Regular Session

Moss

Abstract: Provides the assignee of a health care provider, hospital, or ambulance service a right to the privilege against certain proceeds recovered by injured persons, and authorizes delivery by email of the notice of such privilege.

Present law provides that a health care provider, hospital, or ambulance service that furnishes services or supplies to an injured person shall have a privilege for the reasonable charges or fees for such services against the net amount payable to the injured person from another person on account of such injuries, as well as the net amount payable by any insurance company under any contract providing for indemnity or compensation to the injured person.

Proposed law retains present law and adds the assignee of the health care provider, hospital, or ambulance service to the list of entities having a claim to the privilege. Further provides for prospective and retroactive application of proposed law.

Present law provides that the privilege shall become effective when notice of the privilege is delivered to certain persons and entities by certified mail or facsimile transmission.

Proposed law retains present law and authorizes delivery of the notice by email.

Present law requires the health care provider, hospital, or ambulance service having the privilege to furnish an itemized statement of all charges related to the injured person within 30 days of a written request by any person who receives the notice required by present law.

Proposed law extends this duty to assignees of the health care provider, hospital, or ambulance service having the privilege.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 9:4752, 4753, and 4755)