

Regular Session, 2014

SENATE BILL NO. 382

BY SENATOR LAFLEUR

PRIVILEGES/LIENS. Provides with respect to privileges for health care providers. (8/1/14)

1 AN ACT  
2 To amend and reenact R.S. 9:4752, relative to proceeds recovered by an injured person; to  
3 provide with respect to the privilege on net proceeds collected from a third party in  
4 favor of medical providers for services and supplies furnished to injured persons; to  
5 provide certain terms, conditions, and effects; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

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

8 §4752. Privilege on net proceeds collected from third party in favor of medical  
9 providers for services and supplies furnished injured persons

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

1 privilege of an attorney shall have precedence over the privilege created under this  
2 Section.

3 **B. The health care provider's privilege shall attach to the net amount**  
4 **payable to the injured person out of the total amount of any recovery or sum**  
5 **had, collected, or to be collected from another person and on the net amount**  
6 **payable by any insurance company in accordance with this Section. The**  
7 **privilege, when timely filed, shall interrupt prescription and shall remain**  
8 **effective until released or paid in accordance with this Section.**

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Angela L. De Jean.

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#### DIGEST

LaFleur (SB 382)

Present law provides that a health care provider, hospital, or ambulance service that furnishes services or supplies to any injured person shall have a privilege for the reasonable charges or fees of such health care provider, hospital, or ambulance service on the net amount payable to the injured person, his heirs, or legal representatives, out of the total amount of any recovery or sum had, collected, or to be collected, whether by judgment or by settlement or compromise, from another person on account of such injuries, and on the net amount payable by any insurance company under any contract providing for indemnity or compensation to the injured person. The privilege of an attorney shall have precedence over the privilege created under present law.

Proposed law retains present law and adds that the health care provider's privilege shall attach to the net amount payable to the injured person out of the total amount of any recovery or sum had, collected, or to be collected from another person and on the net amount payable by any insurance company in accordance with proposed law. The privilege, when timely filed, shall interrupt prescription and shall remain effective until released or paid in accordance with proposed law.

Effective August 1, 2014.

(Amends R.S. 9:4752)