

By: Senator(s) Brown

To: Public Health and Welfare

SENATE BILL NO. 2962

1 AN ACT TO PROVIDE THAT A HEALTH CARE PROVIDER, HOSPITAL OR
2 AMBULANCE SERVICE THAT FURNISHES SERVICES OR SUPPLIES TO ANY
3 INJURED PERSON SHALL HAVE A PRIVILEGE FOR THE REASONABLE CHARGES
4 OF SUCH SERVICES ON THE NET PROCEEDS RECOVERED BY THE INJURED
5 PERSON; TO REQUIRE WRITTEN NOTICE TO THE INJURED PERSON, THE THIRD
6 PARTY AND CERTAIN OTHER PERSONS BEFORE THE PRIVILEGE BECOMES
7 EFFECTIVE; AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** (1) As used in this act:

10 (a) "Ambulance service" means any person who, through
11 the use of one or more ambulances and certified emergency medical
12 technicians, provides transportation of sick or injured persons as
13 a part of a regular course of conduct or business.

14 (b) "Health care provider" means a person, partnership,
15 corporation, facility or institution licensed by this state to
16 provide health care or professional services as a physician,
17 dentist, chiropractor, podiatrist, optometrist, pharmacist,
18 dietitian, physical therapist, occupational therapist or
19 psychologist.

20 (c) "Hospital" means an institution licensed as such by
21 the State of Mississippi.

22 (d) "Person" means any individual, partnership,
23 association, corporation, government, political subdivision or
24 governmental agency.

25 (2) A health care provider, hospital or ambulance service
26 that furnishes services or supplies to any injured person shall
27 have a privilege for the reasonable charges or fees of such health
28 care provider, hospital or ambulance service on the net amount
29 payable to the injured person, his heirs or legal representatives,

30 out of the total amount of any recovery or sum had, collected, or
31 to be collected, whether by judgment or by settlement or
32 compromise, from another person on account of such injuries, and
33 on the net amount payable by any insurance company under any
34 contract providing for indemnity or compensation to the injured
35 person. The privilege of an attorney shall have precedence over
36 the privilege created under this section.

37 (3) The privilege created herein shall become effective if,
38 prior to the payment of insurance proceeds or to the payment of
39 any judgment, settlement or compromise on account of injuries, a
40 written notice containing the name and address of the injured
41 person and the name and location of the interested health care
42 provider, hospital or ambulance service is mailed by the
43 interested health care provider, hospital or ambulance services,
44 or the attorney or agent for the interested health care provider,
45 hospital or ambulance service, certified mail, return receipt
46 requested, to the injured person, to his attorney, to the person
47 alleged to be liable to the injured person on account of the
48 injuries sustained, to any insurance carrier which has insured
49 such person against liability and to any insurance company
50 obligated by contract to pay indemnity or compensation to the
51 injured person. This privilege shall be effective against all
52 persons given notice according to the provisions hereof and shall
53 not be defeated nor rendered ineffective as against any person
54 that has been given such notice because of failure to give such
55 notice to all those persons named herein.

56 (4) Any person who, having received notice in accordance
57 with the provisions hereof, pays over any monies subject to the
58 privilege created herein, to any injured person, or to the
59 attorney, heirs or legal representatives of any injured person,
60 shall be liable to the licensed health care provider, hospital or
61 ambulance service having such privilege for the amount thereof,
62 not to exceed the net amount paid.

63 (5) (a) Upon receipt of a written request, mailed by
64 certified mail, return receipt requested, from any person who has
65 been given notice, the licensed health care provider, hospital or
66 ambulance service having the privilege shall, within thirty (30)
67 days after receipt of such request, furnish an itemized statement
68 of all charges having reference to the injured person.

69 (b) If such licensed health care provider, hospital or
70 ambulance service fails to comply with the provisions of this
71 section, the privilege created shall be dissolved and ineffective.

72 **SECTION 2.** This act shall take effect and be in force from
73 and after July 1, 2004.