

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 1651

BY: Committee

1 **AMEND** by striking Section 5 in its entirety and inserting in
2 lieu thereof:

3 "**SECTION 5.** (1) If an individual receives care or treatment
4 from the University of Mississippi Medical Center (UMMC) for
5 injuries, disease, sickness or other medical condition caused
6 under circumstances creating a cause of action in favor of the
7 individual against any person, firm or corporation, and UMMC does
8 not receive full compensation from the individual or any third
9 party for all expenses incurred for providing that care or
10 treatment to the individual, then UMMC is entitled to recover from
11 any proceeds that may result from the exercise of any rights of
12 recovery that the individual may have against any such person,
13 firm or corporation in an amount equal to the extent of money owed
14 to UMMC for treatment provided to the individual. The individual
15 who received care or treatment from UMMC shall execute and deliver
16 instruments and papers to do whatever is necessary to secure those
17 rights and shall do nothing after receiving care or treatment from
18 UMMC to prejudice the subrogation rights of UMMC. Court orders or
19 any agreement for reimbursement of UMMC's interest shall direct
20 payments to UMMC in the amount owed it, which shall be authorized
21 to endorse any and all, including, but not limited to, multi-payee
22 checks, drafts, money orders, or other negotiable instruments

23 representing recoveries of payments for treatment that are
24 received by UMMC. In accordance with Section 6 of this act,
25 endorsement of multi-payee checks, drafts, money orders or other
26 negotiable instruments by UMMC shall be deemed endorsed by the
27 individual. UMMC may compromise or settle any such claim and
28 execute a release of any claim it has by virtue of this section.

29 (2) The acceptance by an individual of care or treatment
30 from UMMC for injuries, disease or sickness caused under
31 circumstances creating a cause of action in favor of the
32 individual against any person, firm or corporation shall not
33 affect the right of the individual or his or her legal
34 representative to recover UMMC's interest as an element of damages
35 in any action at law; however, a copy of the pleadings shall be
36 certified to UMMC at the time of the institution of suit, and
37 proof of that notice shall be filed of record in that action.
38 UMMC may, at any time before the trial on the facts, join in that
39 action or may intervene in that action to protect its interest.
40 Any amount recovered by an individual or his or her legal
41 representative shall be applied as follows:

42 (a) The amount of UMMC's interest on behalf of the
43 individual for the uncompensated care or treatment provided to the
44 individual, or such pro rata amount as may be arrived at by the
45 legal representative of UMMC and the individual's attorney; and

46 (b) Any excess shall be forwarded to the individual or
47 if he has an attorney, then the attorney.

48 (3) No compromise of any claim by the individual or his or
49 her legal representative shall be binding upon or affect the
50 rights of UMMC against the third party unless UMMC has entered
51 into the compromise. Any compromise effected by the individual or
52 his or her legal representative with the third party in the
53 absence of advance notification to and approved by UMMC shall
54 constitute conclusive evidence of the liability of the third

55 party, and UMMC, in litigating its claim against the third party,
56 shall be required only to prove the amount and correctness of its
57 claim relating to the injury, disease or sickness. If the
58 individual or his or her legal representative fails to notify UMMC
59 of the institution of legal proceedings against a third party for
60 which UMMC has a cause of action, the facts relating to negligence
61 and the liability of the third party, if judgment is rendered for
62 the individual, shall constitute conclusive evidence of liability
63 in a later action maintained by UMMC and only the amount and
64 correctness of UMMC's claim relating to injuries, disease or
65 sickness shall be tried before the court. UMMC shall be
66 authorized in bringing that action against the third party and his
67 or her insurer jointly or against the insurer alone for the amount
68 owed it.

69 (4) Nothing in this section shall be construed to diminish
70 or otherwise restrict the subrogation rights of UMMC against a
71 third party for the amount due for care or treatment provided by
72 UMMC to an individual as a result of injuries, disease or sickness
73 caused under circumstances creating a cause of action in favor of
74 the individual against such a third party."

75 **Amend further** on line 629 by deleting the word
76 "uncompensated"

77 **Amend further** on line 640 by inserting "UMMC" after the word
78 "owing" and deleting the word "uncompensated"

79 **Amend further** on line 645 by striking the language "sixty
80 (60)" and inserting the language and figure "forty-five (45)" in
81 lieu thereof

82 **Amend further** on lines 653 and 659 by deleting the word
83 "uncompensated"

84 **Amend further** by deleting lines 661 through 670 in their
85 entirety