

By: Representative Moak

To: Judiciary B

## HOUSE BILL NO. 1202

1 AN ACT TO PROVIDE THAT A HOSPITAL, THE ATTORNEY OF THE  
2 INJURED PATIENT, AND THE INJURED PATIENT SHALL HAVE A ONE-THIRD  
3 LIEN AGAINST CLAIMS BY PATIENTS AND PERSONAL INJURY DAMAGES  
4 RECOVERED BY PATIENTS; TO REQUIRE THE LIEN TO BE FILED IN THE  
5 OFFICE OF THE CIRCUIT CLERK; TO REQUIRE NOTICE OF JUDGMENT OR  
6 AWARD; TO AMEND SECTION 83-9-47, MISSISSIPPI CODE OF 1972, TO  
7 PROVIDE THAT A HEALTH CARE PROVIDER, THE ATTORNEY AND THE CLIENT  
8 SHALL HAVE A LIEN IN AN AMOUNT OF ONE-THIRD OF THE PAYMENT MADE  
9 DIRECTLY TO A PATIENT OR POLICYHOLDER BY ANY THIRD-PARTY PAYOR FOR  
10 THE MEDICAL CARE OR SERVICES RENDERED BY THAT HEALTH CARE  
11 PROVIDER; AND FOR RELATED PURPOSES.

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

13 **SECTION 1.** (1) Every person, firm, association,  
14 corporation, institution or any governmental unit, including the  
15 State of Mississippi, any county or municipalities operating and  
16 maintaining a hospital in this state, the attorney of the injured  
17 patient, and the injured patient shall each have a lien in an  
18 amount equal to one-third (1/3) of all reasonable and necessary  
19 charges for hospital care, treatment and maintenance of ill or  
20 injured persons, including ambulance services, upon any and all  
21 causes of action, suits, claims, counterclaims or demands accruing  
22 to the person to whom such care, treatment or maintenance was  
23 furnished, or accruing to the legal representatives of such person  
24 in the case of such person's death, on account of illness or  
25 injuries giving rise to such causes of action or claims and which  
26 necessitated such hospital care, treatment and maintenance. The  
27 attachment of the lien will include, but not be limited to:  
28 third-party liability settlements, first-party auto insurance  
29 benefits, underinsured motorist coverage, uninsured motorist  
30 coverage and wrongful death claims.



31 (2) The lien herein created shall not be applicable to  
32 accidents or injuries within the purview of the Mississippi  
33 Workers' Compensation Law.

34 (3) The lien shall be filed in the office of the clerk of  
35 the circuit court of the county in which the hospital is located,  
36 the lien to include a verified statement in writing setting forth  
37 the name and address of the patient as it appears on the records  
38 of the hospital, and the name and address of the operator thereof,  
39 the dates of admission and discharge of the patient therefrom, the  
40 amount claimed to be due for such hospital care, and to the best  
41 of the claimant's knowledge, the names and addresses of persons,  
42 firms or corporations claimed by such ill or injured person or by  
43 such person's legal representative, to be liable for damages  
44 arising from such illness or injuries. The filing of said lien in  
45 the aforementioned manner will be implied notice to all parties  
46 having an interest to which the lien may attach.

47 (4) A judgment, award, settlement or compromise secured by  
48 or on behalf of an injured person may not be satisfied without the  
49 injured person or his or her authorized representative first  
50 giving notice of the judgment, award, settlement or compromise to  
51 the health care professional or health care provider that rendered  
52 a service in the treatment, care or maintenance of the injured  
53 person and no judgment, award, settlement or compromise may be  
54 reached without first satisfying the hospital lien.

55 **SECTION 2.** Section 83-9-47, Mississippi Code of 1972, is  
56 amended as follows:

57 83-9-47. (1) As used in this section, the following terms  
58 shall be defined as follows:

59 (a) "Third-party payor" means any insurer, nonprofit  
60 hospital service plan, health care service plan, health  
61 maintenance organization, self-insurer or any person or other  
62 entity which provides payment for medical and related services.



63 (b) "Health care provider" means a physician,  
64 optometrist, chiropractor, dentist, podiatrist, pharmacist,  
65 psychologist or hospital licensed by the State of Mississippi.

66 (c) "Patient" means any natural person who has received  
67 medical care or services from any medical care provider within the  
68 State of Mississippi.

69 (2) Any third-party payor who pays a patient or policyholder  
70 on behalf of a patient directly for medical care or services  
71 rendered by a health care provider shall provide information  
72 concerning the amount, date and nature of any such payment to the  
73 provider of services. The information may be provided by  
74 telephone, facsimile or by mailing a copy of the "explanation of  
75 benefits" to the provider. If the information is provided by  
76 sending a copy of the "explanation of benefits" to the provider,  
77 then the third-party payor may require that the reasonable cost of  
78 producing and mailing the information be paid by the provider. A  
79 health care provider shall have a lien in an amount equal to  
80 one-third (1/3) of the gross proceeds of the payment made directly  
81 to the patient or policyholder by any third-party payor for the  
82 medical care or services rendered by that health care provider,  
83 and both the attorney of the injured patient, and the injured  
84 patient shall each have liens in amounts equal to one-third (1/3)  
85 of such gross proceeds. The requirements of this subsection shall  
86 not apply to the following: a fixed-indemnity policy, a limited  
87 benefit health insurance policy, medical payment coverage or  
88 personal injury protection coverage in a motor vehicle policy,  
89 coverage issued as a supplement to liability insurance or workers'  
90 compensation.

91 **SECTION 3.** This act shall take effect and be in force from  
92 and after July 1, 2011.

