

By: Representative Johnson

To: Judiciary A

HOUSE BILL NO. 777

1 AN ACT TO PROVIDE THAT A HOSPITAL SHALL HAVE A LIEN AGAINST
2 WRONGFUL DEATH DAMAGES AND PERSONAL INJURY DAMAGES RECOVERED BY
3 PATIENTS; AND FOR RELATED PURPOSES.

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

5 **SECTION 1.** (1) Every person, firm, association,
6 corporation, institution or any governmental unit, including, but
7 not limited to, the State of Mississippi or any county or
8 municipality, operating and maintaining a hospital or pharmacy or
9 practicing as a physician, osteopath, dentist, nurse, pharmacist,
10 podiatrist, optometrist or chiropractor who has provided services
11 for residents of Mississippi, shall have a lien for all reasonable
12 and necessary charges for hospital care, treatment and maintenance
13 of ill or injured persons, including ambulance services, upon any
14 and all causes of action, suits, claims, counterclaims or demands
15 accruing to the person to whom such care, treatment or maintenance
16 was furnished, or accruing to the legal representative of the
17 person in the case of the person's death, on account of illness or
18 injuries giving rise to such causes of action or claims and which
19 necessitated the hospital care, treatment and maintenance. The
20 attachment of the lien shall include, but not be limited to,
21 third-party liability settlements, first-party auto insurance
22 benefits, underinsured motorist coverage, uninsured motorist
23 coverage and wrongful death claims.

24 (2) The lien created under this section shall be subject and
25 subordinate to any attorney's lien, whether by contract, suit or
26 judgment, and to the payment of funeral expenses, if any, upon
27 such claim or cause of action and shall not be applicable to



28 accidents or injuries within the purview of the Mississippi
29 Workers' Compensation Law.

30 (3) Notice of the lien shall be effective when mailed by
31 certified United States mail, return receipt requested to any
32 person, firm or corporation into whose control may come funds that
33 may be subject to the lien created under this section, and shall
34 include a verified statement in writing setting forth the name and
35 address of the patient as it appears on the records of the
36 hospital or other medical provider, and the name and address of
37 the operator thereof, the amount claimed to be due for the
38 hospital or other medical care or supplies.

39 (4) A judgment, award, settlement or compromise secured by
40 or on behalf of an injured person may not be satisfied without the
41 injured person or the injured person's authorized representative
42 first giving notice of the judgment, award, settlement or
43 compromise to the health care professional or health care provider
44 that rendered a service in the treatment, care or maintenance of
45 the injured person.

46 (5) Nothing in this section shall affect the right of
47 subrogation under Section 43-13-317 for the recovery of Medicaid
48 payments.

49 **SECTION 2.** This act shall take effect and be in force from
50 and after July 1, 2012.

