

SENATE BILL NO. 246

INTRODUCED BY GALLUS, SESSO, BERGREN, GROESBECK, EVERETT, OLSON, KEANE, PARKER,
NOONAN

A BILL FOR AN ACT ENTITLED: "AN ACT ADDING AMBULANCE SERVICES TO THOSE HEALTH CARE PROVIDERS ABLE TO ESTABLISH A LIEN FOR SERVICES RENDERED IN THE DIAGNOSIS OR TREATMENT OF A MEDICAL CONDITION; AND AMENDING SECTION 71-3-1114, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 71-3-1114, MCA, is amended to read:

"71-3-1114. Liens of ~~physicians, nurses, physical therapists, occupational therapists, chiropractors, dentists, hospitals, and ambulatory surgical facilities and liens of psychologists, licensed social workers, and licensed professional counselors~~ certain health care providers and health care facilities. (1) (a) Upon the required notice of a lien being given, there is a lien as provided in subsection (1)(b) whenever:

(i) a physician, nurse, physical therapist, occupational therapist, chiropractor, dentist, hospital, ~~or ambulatory surgical facility, or ambulance service~~ renders services or provides products for the diagnosis and treatment of a medical condition; or

(ii) a psychologist, licensed social worker, or licensed professional counselor renders services or provides products; and

(iii) the services rendered or products provided under subsection (1)(a)(i) or (1)(a)(ii) are rendered or provided to a person injured through the fault or neglect of another.

(b) The physician, nurse, physical therapist, occupational therapist, chiropractor, dentist, hospital, ambulatory surgical facility, ambulance service, psychologist, licensed social worker, or licensed professional counselor has a lien for the value of services rendered or products provided on:

(i) any claim or cause of action that the injured person or the injured person's estate or successors may have for injury, disease, or death;

(ii) any judgment that the injured person or the estate or successors may obtain for injury, disease, or death; and

(iii) all money paid in satisfaction of the judgment or in settlement of the claim or cause of action.

(2) (a) If a person is an insured or a beneficiary under insurance that provides coverage in the event of injury or disease, there is a lien as provided in subsection (2)(b) upon required notice of a lien being given by:

(i) a physician, nurse, physical therapist, occupational therapist, chiropractor, dentist, hospital, ~~or~~ ambulatory surgical facility, or ambulance service for the value of services rendered or products provided for the diagnosis and treatment of a medical condition; or

(ii) a psychologist, licensed social worker, or licensed professional counselor for services rendered or products provided.

(b) The lien is on all proceeds or payments, except payments for property damage, payable by the insurer.

(3) A physician, nurse, physical therapist, occupational therapist, chiropractor, dentist, hospital, ambulatory surgical facility, ambulance service, psychologist, licensed social worker, or licensed professional counselor claiming a lien under this part is not liable for attorney fees and costs incurred by the injured person, the injured person's estate or successors, or a beneficiary in connection with obtaining payments or benefits subject to a lien under this part. The lien of an attorney provided for in 37-61-420 has priority over a lien created by this part."

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