

HOUSE BILL NO. 466

1/24 Introduced
1/24 Referred to Business & Labor
2/01 Hearing
2/02 Committee Report-Bill Do Pass
2/05 2nd Reading Pass
2/06 3rd Reading Pass

Transmitted to Senate

2/07 Referred to Public Health, Welfare & Safety
3/18 Hearing
3/23 Adverse Committee Report
3/25 Bill Killed

1 HOUSE BILL NO. 466
2 INTRODUCED BY J. Brown
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO INCLUDE PHYSICAL
5 THERAPISTS UNDER THE PHYSICIAN, NURSE, AND HOSPITAL LIEN ACT
6 OF 1979; AMENDING SECTIONS 71-3-1111, 71-3-1112, 71-3-1114,
7 71-3-1115, AND 71-3-1117, MCA."
8

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

10 Section 1. Section 71-3-1111, MCA, is amended to read:
11 "71-3-1111. Short title. This part may be cited as the
12 "Physician, Physical Therapist, Nurse, and Hospital Lien Act
13 of 1979".

14 Section 2. Section 71-3-1112, MCA, is amended to read:
15 "71-3-1112. Purpose. The purpose of this part is to
16 establish lien rights for physicians, physical therapists,
17 nurses, and hospitals when a person receiving medical
18 treatment:

19 (1) is injured through the fault or neglect of
20 another; or

21 (2) is either insured or a beneficiary under
22 insurance."

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

24 "71-3-1114. Liens of physicians, physical therapists,
25 nurses, and hospitals. (1) Whenever a physician, physical

1 therapist, nurse, or hospital renders services to a person
2 injured through the fault or neglect of another, the
3 physician, physical therapist, nurse, or hospital, upon
4 giving the required notice of lien, has a lien for the value
5 of services rendered on:

6 (a) any claim or cause of action the injured person,
7 his estate, or successors may have for injury, disease, or
8 death;

9 (b) any judgment the injured person, his estate, or
10 successors may obtain for injury, disease, or death; and

11 (c) all money paid in satisfaction of such judgment or
12 in settlement of the claim or cause of action.

13 (2) If a person is an insured or a beneficiary under
14 insurance which provides coverage in the event of injury or
15 disease, a physician, physical therapist, nurse, or
16 hospital, upon giving the required notice of lien, has a
17 lien for the value of services rendered on all proceeds or
18 payments, except payments for property damage, payable by
19 the insurer.

20 (3) The lien is subject to the lien of an attorney
21 provided in 37-61-420."

22 Section 4. Section 71-3-1115, MCA, is amended to read:

23 "71-3-1115. Notice of lien. (1) A physician, physical
24 therapist, nurse, or hospital claiming a lien shall serve
25 written notice upon the person and upon his insurer, if any,

1 against whom liability for injury, disease, or death is
2 asserted, stating the nature of the services, for whom and
3 when rendered, the value of the services, and that a lien is
4 claimed.

5 (2) A physician, physical therapist, nurse, or
6 hospital claiming a lien upon proceeds or payments payable
7 by an insurer shall serve written notice upon the insurer
8 against whom the lien is asserted, stating the nature of the
9 services, for whom and when rendered, the value of the
10 services, and that a lien is claimed."

11 Section 5. Section 71-3-1117, MCA, is amended to read:

12 "71-3-1117. Liability for failure to recognize lien.
13 If any insurer or person, after receiving notice of lien,
14 makes payment on account of injury, disease, or death and
15 the amount of the lien claimed by any physician, physical
16 therapist, nurse, or hospital has not been paid, the insurer
17 or person is liable to the physician, physical therapist,
18 nurse, or hospital for the reasonable value of the
19 services."

-End-

APPROVED BY COMM. ON BUSINESS AND LABOR

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7 by an insurer shall serve written notice upon the insurer
8 against whom the lien is asserted, stating the nature of the
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12 "71-3-1117. Liability for failure to recognize lien.
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5 (2) A physician, physical therapist, nurse, or
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-End-