# HOUSE BILL NO. 619

### INTRODUCED BY WHALEN

IN THE HOUSE

FEBRUARY 13, 1993 INTRODUCED AND REFERRED TO COMMITTEE ON HUMAN SERVICES & AGING.

FIRST READING.

FEBRUARY 20, 1993 COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.

FEBRUARY 22, 1993 PRINTING REPORT.

SECOND READING, DO PASS.

FEBRUARY 24, 1993 ENGROSSING REPORT.

THIRD READING, PASSED. AYES, 86; NOES, 11.

TRANSMITTED TO SENATE.

ON BUSINESS & INDUSTRY.

IN THE SENATE

MARCH 1, 1993

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FIRST READING.

MARCH 26, 1993 COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.

MARCH 27, 1993 SECOND READING, CONCURRED IN.

MARCH 29, 1993 THIRD READING, CONCURRED IN. AYES, 44; NOES, 3.

RETURNED TO HOUSE WITH AMENDMENTS.

INTRODUCED AND REFERRED TO COMMITTEE

IN THE HOUSE

- APRIL 1, 1993 SECOND READING, AMENDMENTS CONCURRED IN.
- APRIL 2, 1993 THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING. REPORTED CORRECTLY ENROLLED.

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House BILL NO. 619 1 INTRODUCED BY Whales 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT THE 4 LIEN OF CERTAIN MEDICAL PRACTITIONERS APPLIES ONLY FOR 5 6 SERVICES RELATING TO THE DIAGNOSIS AND TREATMENT OF MEDICAL 7 CONDITIONS: AND AMENDING SECTIONS 71-3-1112 AND 71-3-1114, MCA.\* 8 9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 10 Section 1. Section 71-3-1112, MCA, is amended to read: 11 "71-3-1112. Purpose. The purpose of this part is to 12 establish lien rights for of physicians, nurses, physical 13 therapists, occupational therapists, chiropractors, persons 14 practicing dentistry, and hospitals for the value of 15 services rendered for the diagnosis and treatment of medical 16 conditions when a person receiving medical treatment: 17 (1) is injured through the fault or neglect of another; 18 19 or

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

Section 2. Section 71-3-1114, MCA, is amended to read:
\*71-3-1114. Liens of physicians, nurses, physical
therapists, occupational therapists, chiropractors, persons
practicing dentistry, and hospitals. (1) Whenever a



1 physician, nurse, physical therapist, occupational therapist, chiropractor, person practicing dentistry, or 2 3 hospital renders services for the diagnosis and treatment of a medical condition to a person injured through the fault or 4 5 neglect of another, the physician, nurse, physical 6 therapist, occupational therapist, chiropractor, person practicing dentistry, or hospital, upon giving the required 7 notice of lien, has a lien for the value of those services 8 9 rendered on:

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

13 (b) any judgment the injured person, his the injured
14 person's estate, or successors may obtain for injury,
15 disease, or death; and

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

18 (2) If a person is an insured or a beneficiary under 19 insurance which provides coverage in the event of injury or 20 disease, а physician, nurse, physical therapist, 21 occupational therapist, chiropractor, person practicing 22 dentistry, or hospital, upon giving the required notice of 23 lien, has a lien for the value of services rendered for the 24 diagnosis and treatment of a medical condition on all proceeds or payments, except payments for property damage, 25

-2- HB 6/9 INTRODUCED BILL

- l payable by the insurer.
- 2 (3) The lien is subject to the lien of an attorney
- 3 provided in 37-61-420."

-End-

53rd Legislature

LC 1421/01 APPROVED BY COMM. ON HUMAN SERVICES AND AGING

House BILL NO. 619 1 INTRODUCED BY Whalen 2 3 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT THE 4 LIEN OF CERTAIN MEDICAL PRACTITIONERS APPLIES ONLY FOR 5 SERVICES RELATING TO THE DIAGNOSIS AND TREATMENT OF MEDICAL 6 CONDITIONS: AND AMENDING SECTIONS 71-3-1112 AND 71-3-1114, 7 MCA." 8 9 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 71-3-1112, MCA, is amended to read: 11 "71-3-1112. Purpose. The purpose of this part is to 12 establish lien rights for of physicians, nurses, physical 13 therapists, occupational therapists, chiropractors, persons 14 practicing dentistry, and hospitals for the value of 15 services rendered for the diagnosis and treatment of medical 16 conditions when a person receiving medical treatment: 17 (1) is injured through the fault or neglect of another; 18 19 or (2) is either insured or a beneficiary under 20 insurance.\* 21 Section 2. Section 71-3-1114, MCA, is amended to read: 22 "71-3-1114. Liens of physicians, nurses, physical 23 therapists, occupational therapists, chiropractors, persons 24 practicing dentistry, and hospitals. (1) Whenever a 25

occupational 1 physician. nurse, physical therapist, therapist, chiropractor, person practicing dentistry, or 2 hospital renders services for the diagnosis and treatment of 3 a medical condition to a person injured through the fault or 4 neglect of another, the physician, nurse, physical 5 therapist, occupational therapist, chiropractor, person 6 7 practicing dentistry, or hospital, upon giving the required 8 notice of lien, has a lien for the value of those services 9 rendered on: 10 (a) any claim or cause of action the injured person, 11 his the injured person's estate, or successors may have for 12 injury, disease, or death; 13 (b) any judgment the injured person, his the injured person's estate, or successors may obtain for injury, 14 15 disease, or death; and 16 (c) all money paid in satisfaction of such the judgment 17 or in settlement of the claim or cause of action. 18 (2) If a person is an insured or a beneficiary under 19 insurance which provides coverage in the event of injury or 20 disease, а physician, nurse, physical therapist, 21 occupational therapist, chiropractor, person practicing 22 dentistry, or hospital, upon giving the required notice of 23 lien, has a lien for the value of services rendered for the 24 diagnosis and treatment of a medical condition on all 25 proceeds or payments, except payments for property damage, -2- HB 619 SECOND READING

Montana Legislative Council

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2 (3) The lien is subject to the lien of an attorney

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3 provided in 37-61-420."

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-End-

Montana Legislative Council

LC 1421/01

House BILL NO. 619 1 INTRODUCED BY Whalph 2 а. A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT THE 4 LIEN OF CERTAIN MEDICAL PRACTITIONERS APPLIES ONLY FOR 5 SERVICES RELATING TO THE DIAGNOSIS AND TREATMENT OF MEDICAL 6 CONDITIONS: AND AMENDING SECTIONS 71-3-1112 AND 71-3-1114, 7 MCA." 8 9 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 71-3-1112, MCA, is amended to read: 11 "71-3-1112. Purpose. The purpose of this part is to 12 13 establish lien rights for of physicians, nurses, physical 14 therapists, occupational therapists, chiropractors, persons practicing dentistry, and hospitals for the value of 15 services rendered for the diagnosis and treatment of medical 16 17 conditions when a person receiving medical treatment: 18 (1) is injured through the fault or neglect of another; 19 ог (2) is either insured or a beneficiary under 20 insurance." 21 Section 2. Section 71-3-1114, MCA, is amended to read: 22 23 "71-3-1114. Liens of physicians, nurses, physical therapists, occupational therapists, chiropractors, persons 24 practicing dentistry, and hospitals. (1) Whenever a 25

1 physician, nurse, physical therapist, occupational therapist, chiropractor, person practicing debtistry, or 2 3 hospital renders services for the diagnosis and treatment of 4 a medical condition to a person injured through the fault or neglect of another, the physician, nurse, 5 physical therapist, occupational therapist, chiropractor, person б 7 practicing dentistry, or hospital, upon giving the required 8 notice of lien, has a lien for the value of those services 9 rendered on: 10 (a) any claim or cause of action the injured person,

11 his the injured person's estate, or successors may have for 12 injury, disease, or death;

13 (b) any judgment the injured person, his the injured
14 person's estate, or successors may obtain for injury,
15 disease, or death; and

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

18 (2) If a person is an insured or a beneficiary under 19 insurance which provides coverage in the event of injury or 20 disease, а physician, nurse, physical therapist, 21 occupational therapist, chiropractor, person practicing 22 dentistry, or hospital, upon giving the required notice of 23 lien, has a lien for the value of services rendered for the 24 diagnosis and treatment of a medical condition on all 25 proceeds or payments, except payments for property damage,

-2- HB 619 THIRD READING

- 1 payable by the insurer.
- 2 (3) The lien is subject to the lien of an attorney
- 3 provided in 37-61-420."

-End-

#### SENATE STANDING COMMITTEE REPORT

Page 1 of 2 March 26, 1993

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration House Bill No. 619 (third reading copy -- blue), respectfully report that House Bill No. 619 be amended as follows and as so amended be concurred in.



That such amendments read:

1. Page 3, following line 3.

Insert: "<u>NEW SECTION.</u> Section 3. Coordination instruction. If Senate Bill No. 352 and [this act] are both passed and approved, then 71-3-1112 and 71-3-1114 must read as follows:

"71-3-1112. Purpose. The purpose of this part is to establish lien rights for physicians, nurses, physical therapists, occupational therapists, chiropractors, persons practicing dentistry, and hospitals for the value of services rendered and products provided for the diagnosis and treatment of medical conditions and to establish lien rights for psychologists, licensed social workers, and licensed professional counselors for services rendered and products provided when a person receiving medicat treatment:

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

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

"71-3-1114. Liens of physicians, nurses, physical therapists, occupational therapists, chiropractors, persons practicing dentistry, and hospitals and liens of psychologists, licensed social workers, and licensed professional counselors. (1) (a) Whenever 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, person practicing dentistry, or hospital 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. The

(b) The physician, nurse, physical therapist, occupational therapist, chiropractor, person practicing dentistry, or hospital, psychologist, licensed social worker, or licensed professional counselor upon giving the required notice of lien,

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ny Sec.	of Senate	Senator Carrying Bill

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has a lien for the value of services rendered or products provided on:

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

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

(iii) all money paid in satisfaction of such 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 which 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, person practicing dentistry, or hospital, upon giving the required notice of lien, has a lien 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) The lien is subject to the lien of an attorney provided in 37-61-420.""

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physician,

1 HOUSE BILL NO. 619 2 INTRODUCED BY WHALEN 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT THE 5 LIEN OF CERTAIN MEDICAL PRACTITIONERS APPLIES ONLY FOR 6 SERVICES RELATING TO THE DIAGNOSIS AND TREATMENT OF MEDICAL 7 CONDITIONS; AND AMENDING SECTIONS 71-3-1112 AND 71-3-1114, MCA." 8 9 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 11 Section 1. Section 71-3-1112, MCA, is amended to read: 12 "71-3-1112. Purpose. The purpose of this part is to 13 establish lien rights for of physicians, nurses, physical 14 therapists, occupational therapists, chiropractors, persons 15 practicing dentistry, and hospitals for the value of 16 services rendered for the diagnosis and treatment of medical 17 conditions when a person receiving medical treatment: 18 (1) is injured through the fault or neglect of another; 19 or 20 (2) is either insured or a beneficiary under

21 insurance."

22 Section 2. Section 71-3-1114, MCA, is amended to read: 23 "71-3-1114. Liens of physicians, nurses, physical 24 therapists, occupational therapists, chiropractors, persons 25 practicing dentistry, and hospitals. (1) Whenever a



nurse, physical therapist, occupational therapist, chiropractor, person practicing dentistry, or hospital renders services for the diagnosis and treatment of a medical condition to a person injured through the fault or neglect of another, the physician, nurse, physical

5 therapist, occupational therapist, chiropractor, person 6 7 practicing dentistry, or hospital, upon giving the required 8 notice of lien, has a lien for the value of those services 9 rendered on:

10 (a) any claim or cause of action the injured person, 11 his the injured person's estate, or successors may have for 12 injury, disease, or death;

13 (b) any judgment the injured person, his the injured person's estate, or successors may obtain for injury, 14 15 disease, or death; and

16 (c) all money paid in satisfaction of such the judgment 17 or in settlement of the claim or cause of action.

18 (2) If a person is an insured or a beneficiary under 19 insurance which provides coverage in the event of injury or 20 disease. а physician, nurse, physical therapist, 21 occupational therapist, chiropractor, person practicing 22 dentistry, or hospital, upon giving the required notice of 23 lien, has a lien for the value of services rendered for the 24 diagnosis and treatment of a medical condition on all 25 proceeds or payments, except payments for property damage,

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HB 619 REFERENCE BILL AS AMENDED

#### HB 0619/02

1	payable by the insurer.	1	subsection (1)(b) whenever:
2	(3) The lien is subject to the lien of an attorney	2	<u>(i)</u> a physician, nurse, physical therapist,
3	provided in 37-61-420."	3	occupational therapist, chiropractor, person practicing
4	NEW SECTION. SECTION 3. COORDINATION INSTRUCTION. IF	4	dentistry, or hospital renders services or provides products
5	SENATE BILL NO. 352 AND [THIS ACT] ARE BOTH PASSED AND	5	for the diagnosis and treatment of a medical condition; or
б	APPROVED, THEN 71-3-1112 AND 71-3-1114 MUST READ AS FOLLOWS:	6	(ii) a psychologist, licensed social worker, or licensed
7	<b>"71-3-1112. Purpose.</b> The purpose of this part is to	7	professional counselor renders services or provides
8	establish lien rights for physicians, nurses, physical	8	products; and
9	therapists, occupational therapists, chiropractors, persons	9	(iii) the services rendered or products provided under
10	practicing dentistry, and hospitals for the value of	10	<pre>subsection (1)(a)(i) or (1)(a)(ii) are rendered or provided</pre>
11	services rendered and products provided for the diagnosis	11	to a person injured through the fault or neglect of
12	and treatment of medical conditions and to establish lien	12	another.7-the
13	rights for psychologists, licensed social workers, and	13	(b) The physician, nurse, physical therapist,
14	licensed professional counselors for services rendered and	14	occupational therapist, chiropractor, person practicing
15	products provided when a person receiving medical treatment:	15	dentistry, or hospital, psychologist, licensed social
16	(1) is injured through the fault or neglect of another;	16	worker, or licensed professional counselor upon-giving-the
17	or	17	required-notice-oflien; has a lien for the value of
18	(2) is either insured or a beneficiary under	18	services rendered or products provided on:
19	insurance."	19	<pre>fat(i) any claim or cause of action that the injured</pre>
20	"71-3-1114. Liens of physicians, nurses, physical	20	persony-his or the injured person's estatey or successors
21	therapists, occupational therapists, chiropractors, persons	21	may have for injury, disease, or death;
22	practicing dentistry, and hospitals and liens of	22	tb <u>)(ii)</u> any judgment that the injured person <sub>7</sub> -his or the
23	psychologists, licensed social workers, and licensed	23	estate, or successors may obtain for injury, disease, or
24	professional counselors. (1) (a) Whenever Upon the required	24	death; and
25	notice of a lien being given, there is a lien as provided in	25	<pre>(iii) all money paid in satisfaction of such the</pre>

HB 619

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HB 619

HB 0619/02

1 judgment or in settlement of the claim or cause of action. 2 (2) (a) If a person is an insured or a beneficiary 3 under insurance which that provides coverage in the event of 4 injury or disease, there is a lien as provided in subsection (2)(b) upon required notice of a lien being given by: 5 6 (i) a physician, nurse, physical therapist, 7 occupational therapist, chiropractor, person practicing 8 dentistry, or hospital7-upon-giving-the-required-notice-of 9 lieny-has-a-lien for the value of services rendered or 10 products provided for the diagnosis and treatment of a 11 medical condition; or 12 (ii) a psychologist, licensed social worker, or licensed 13 professional counselor for services rendered or products 14 provided. 15 (b) The lien is on all proceeds or payments, except 16 payments for property damage, payable by the insurer. 17 (3) The lien is subject to the lien of an attorney 18 provided in 37-61-420."

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-End-

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