

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.

IN THE SENATE

MARCH 1, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY.
	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.

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.

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,
8 MCA."

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

1 physician, nurse, physical therapist, occupational
2 therapist, chiropractor, person practicing dentistry, or
3 hospital renders services for the diagnosis and treatment of
4 a medical condition to a person injured through the fault or
5 neglect of another, the physician, nurse, physical
6 therapist, occupational therapist, chiropractor, person
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, a 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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1 payable by the insurer.
2 (3) The lien is subject to the lien of an attorney
3 provided in 37-61-420."

-End-

APPROVED BY COMM. ON
HUMAN SERVICES AND AGING

House BILL NO. 619

INTRODUCED BY Whalen

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT THE LIEN OF CERTAIN MEDICAL PRACTITIONERS APPLIES ONLY FOR SERVICES RELATING TO THE DIAGNOSIS AND TREATMENT OF MEDICAL CONDITIONS; AND AMENDING SECTIONS 71-3-1112 AND 71-3-1114, MCA."

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

Section 1. Section 71-3-1112, MCA, is amended to read:

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

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

(2) is either insured or a beneficiary under 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

physician, 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 therapist, occupational therapist, chiropractor, person practicing dentistry, or hospital, upon giving the required notice of lien, has a lien for the value of those services 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;

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

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

(2) If a person is an insured or a beneficiary under insurance which provides coverage in the event of injury or disease, 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 for the diagnosis and treatment of a medical condition on all proceeds or payments, except payments for property damage,

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1 payable by the insurer.
2 (3) The lien is subject to the lien of an attorney
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17 conditions when a person receiving medical treatment:

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19 or
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21 insurance."

22 **Section 2.** Section 71-3-1114, MCA, is amended to read:

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

LC 1421/01

- 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

Page 2 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.

Signed: 
Senator John "J.D." Lynch, Chair

That such amendments read:

1. Page 3, following line 3.

Insert: "NEW SECTION. 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 medical 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,

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

(c)(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."

-END-

M- Amd. Coord.
TW Sec. of Senate


Senator Carrying Bill

681405SC.Sma

SENATE

H3 619
681405SC.Sma

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17 conditions when a person receiving medical treatment:

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21 insurance."

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24 therapists, occupational therapists, chiropractors, persons
25 practicing dentistry, and hospitals. (1) Whenever a

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

payable by the insurer.

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

NEW SECTION. 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 medical 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, has a lien for the value of services rendered or products provided on:

(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;

(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

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
5 (2)(b) upon required notice of a lien being given by:

6 (i) a physician, nurse, physical therapist,
7 occupational therapist, chiropractor, person practicing
8 dentistry, or ~~hospital; upon giving the required notice of~~
9 ~~lien; 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."

-End-