

SENATE BILL NO. 352

INTRODUCED BY KEATING, VOGEL, RYE, SQUIRES, BOHLINGER,
CHRISTIAENS, SIMON

IN THE SENATE

FEBRUARY 10, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON PUBLIC HEALTH, WELFARE, & SAFETY. FIRST READING.
FEBRUARY 18, 1993	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 19, 1993	PRINTING REPORT.
FEBRUARY 20, 1993	SECOND READING, DO PASS.
FEBRUARY 22, 1993	ENGROSSING REPORT. THIRD READING, PASSED. AYES, 48; NOES, 0. TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 23, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT. FIRST READING.
MARCH 15, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 27, 1993	SECOND READING, CONCURRED IN.
MARCH 30, 1993	THIRD READING, CONCURRED IN. AYES, 73; NOES, 27.
MARCH 31, 1993	RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 2, 1993	SECOND READING, AMENDMENTS CONCURRED IN.
APRIL 3, 1993	THIRD READING, AMENDMENTS CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

SENATE BILL NO.

352

INTRODUCED BY

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE PHYSICIAN, NURSE, PHYSICAL THERAPIST, OCCUPATIONAL THERAPIST, CHIROPRACTOR, DENTIST, AND HOSPITAL LIEN ACT TO INCLUDE PSYCHOLOGISTS, LICENSED SOCIAL WORKERS, AND LICENSED PROFESSIONAL COUNSELORS; AND AMENDING SECTIONS 71-3-1111, 71-3-1112, 71-3-1114, 71-3-1115, 71-3-1117, AND 71-3-1118, MCA."

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

Section 1. Section 71-3-1111, MCA, is amended to read:

"71-3-1111. Short title. This part may be cited as the "Physician, Nurse, Physical Therapist, Occupational Therapist, Chiropractor, Dentist, Psychologist, Licensed Social Worker, Licensed Professional Counselor, and Hospital Lien Act".

Section 2. Section 71-3-1112, MCA, is amended to read:

"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, psychologists, licensed social workers, licensed professional counselors, and hospitals when a person receiving medical or other treatment:

(1) is injured through the fault or neglect of another; or
(2) is either insured or a beneficiary under insurance."

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

"71-3-1114. Liens of physicians, nurses, physical therapists, occupational therapists, chiropractors, persons practicing dentistry, psychologists, licensed social workers, licensed professional counselors, and hospitals.

(1) Whenever a physician, nurse, physical therapist, occupational therapist, chiropractor, person practicing dentistry, psychologist, licensed social worker, licensed professional counselor, or hospital renders services to a person injured through the fault or neglect of another, the physician, nurse, physical therapist, occupational therapist, chiropractor, person practicing dentistry, psychologist, licensed social worker, licensed professional counselor, or hospital, upon giving the required notice of lien, has a lien for the value of services rendered on:

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

(b) any judgment the injured person, his the 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, psychologist, licensed social worker, licensed professional counselor, or hospital, upon giving the required notice of lien, has a lien for the value of services rendered 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."

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

"71-3-1115. Notice of lien. (1) A physician, nurse, physical therapist, occupational therapist, chiropractor, person practicing dentistry, psychologist, licensed social worker, licensed professional counselor, or hospital claiming a lien shall serve written notice upon the person and upon his the insurer, if any, against whom liability for injury, disease, or death is asserted, stating the nature of the services, for whom and when rendered, the value of the services, and that a lien is claimed.

(2) A physician, nurse, physical therapist, occupational therapist, chiropractor, person practicing

dentistry, psychologist, licensed social worker, licensed professional counselor, or hospital claiming a lien upon proceeds or payments payable by an insurer shall serve written notice upon the insurer against whom the lien is asserted, stating the nature of the services, for whom and when rendered, the value of the services, and that a lien is claimed."

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

"71-3-1117. Liability for failure to recognize lien. If any insurer or person, after receiving notice of lien, makes payment on account of injury, disease, or death and the amount of the lien claimed by any physician, nurse, physical therapist, occupational therapist, chiropractor, person practicing dentistry, psychologist, licensed social worker, licensed professional counselor, or hospital has not been paid, the insurer or person is liable to the physician, nurse, physical therapist, occupational therapist, chiropractor, person practicing dentistry, psychologist, licensed social worker, licensed professional counselor, or hospital for the reasonable value of the services."

Section 6. Section 71-3-1118, MCA, is amended to read:

"71-3-1118. (Temporary) Applicability. (1) Except as provided in subsection (2), this part does not apply to compensation awarded to workers for injury, disease, or death pursuant to the Workers' Compensation Act or the

1 Occupational Disease Act of Montana.

2 (2) This part applies to all payments awarded for
3 medical, therapy, chiropractic, dentistry, and hospital
4 services pursuant to the acts referred to in subsection (1).

5 (3) This part does not apply to any benefits payable
6 under a policy of life insurance or group life insurance; a
7 contract of disability insurance, except benefits payable in
8 reimbursement for services rendered by a physician, nurse,
9 physical therapist, occupational therapist, chiropractor,
10 person practicing dentistry, or hospital; or an annuity
11 contract or to pension benefits payable under a qualified
12 pension plan. (Terminates April 17, 1993--sec. 4, Ch. 469,
13 L. 1991.)

14 71-3-1118. (Effective April 17, 1993) Applicability.

15 (1) Except as provided in subsection (2), this part does not
16 apply to compensation awarded to workers for injury,
17 disease, or death pursuant to the Workers' Compensation Act
18 or the Occupational Disease Act of Montana.

19 (2) This part applies to all payments awarded for
20 medical, therapy, chiropractic, dentistry, counseling, and
21 hospital services pursuant to the acts referred to in
22 subsection (1).

23 (3) This part does not apply to any benefits payable
24 under a policy of life insurance or group life insurance, a
25 contract of disability insurance, or an annuity contract or

1 to pension benefits payable under a qualified pension plan."

-End-

APPROVED BY COMMITTEE
ON PUBLIC HEALTH, WELFARE
& SAFETY

BILL NO.

352

INTRODUCED BY

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE PHYSICIAN,
NURSE, PHYSICAL THERAPIST, OCCUPATIONAL THERAPIST,
CHIROPRACTOR, DENTIST, AND HOSPITAL LIEN ACT TO INCLUDE
PSYCHOLOGISTS, LICENSED SOCIAL WORKERS, AND LICENSED
PROFESSIONAL COUNSELORS; AND AMENDING SECTIONS 71-3-1111,
71-3-1112, 71-3-1114, 71-3-1115, 71-3-1117, AND 71-3-1118,
MCA."

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

Section 1. Section 71-3-1111, MCA, is amended to read:

"71-3-1111. **Short title.** This part may be cited as the
"Physician, Nurse, Physical Therapist, Occupational
Therapist, Chiropractor, Dentist, Psychologist, Licensed
Social Worker, Licensed Professional Counselor, and Hospital
Lien Act"."

Section 2. Section 71-3-1112, MCA, is amended to read:

"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, psychologists, licensed social
workers, licensed professional counselors, and hospitals
when a person receiving medical or other treatment:

(1) is injured through the fault or neglect of another;
or
(2) is either insured or a beneficiary under
insurance."

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

"71-3-1114. **Liens of physicians, nurses, physical
therapists, occupational therapists, chiropractors, persons
practicing dentistry, psychologists, licensed social
workers, licensed professional counselors, and hospitals.**

(1) Whenever a physician, nurse, physical therapist,
occupational therapist, chiropractor, person practicing
dentistry, psychologist, licensed social worker, licensed
professional counselor, or hospital renders services to a
person injured through the fault or neglect of another, the
physician, nurse, physical therapist, occupational
therapist, chiropractor, person practicing dentistry,
psychologist, licensed social worker, licensed professional
counselor, or hospital, upon giving the required notice of
lien, has a lien for the value of services rendered on:

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

(b) any judgment the injured person, his the 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, psychologist, licensed social worker, licensed professional counselor, or hospital, upon giving the required notice of lien, has a lien for the value of services rendered 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."

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

"71-3-1115. Notice of lien. (1) A physician, nurse, physical therapist, occupational therapist, chiropractor, person practicing dentistry, psychologist, licensed social worker, licensed professional counselor, or hospital claiming a lien shall serve written notice upon the person and upon his the insurer, if any, against whom liability for injury, disease, or death is asserted, stating the nature of the services, for whom and when rendered, the value of the services, and that a lien is claimed.

(2) A physician, nurse, physical therapist, occupational therapist, chiropractor, person practicing

dentistry, psychologist, licensed social worker, licensed professional counselor, or hospital claiming a lien upon proceeds or payments payable by an insurer shall serve written notice upon the insurer against whom the lien is asserted, stating the nature of the services, for whom and when rendered, the value of the services, and that a lien is claimed."

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

"71-3-1117. Liability for failure to recognize lien. If any insurer or person, after receiving notice of lien, makes payment on account of injury, disease, or death and the amount of the lien claimed by any physician, nurse, physical therapist, occupational therapist, chiropractor, person practicing dentistry, psychologist, licensed social worker, licensed professional counselor, or hospital has not been paid, the insurer or person is liable to the physician, nurse, physical therapist, occupational therapist, chiropractor, person practicing dentistry, psychologist, licensed social worker, licensed professional counselor, or hospital for the reasonable value of the services."

Section 6. Section 71-3-1118, MCA, is amended to read:

"71-3-1118. (Temporary) Applicability. (1) Except as provided in subsection (2), this part does not apply to compensation awarded to workers for injury, disease, or death pursuant to the Workers' Compensation Act or the

1 Occupational Disease Act of Montana.

2 (2) This part applies to all payments awarded for
3 medical, therapy, chiropractic, dentistry, and hospital
4 services pursuant to the acts referred to in subsection (1).

5 (3) This part does not apply to any benefits payable
6 under a policy of life insurance or group life insurance; a
7 contract of disability insurance, except benefits payable in
8 reimbursement for services rendered by a physician, nurse,
9 physical therapist, occupational therapist, chiropractor,
10 person practicing dentistry, or hospital; or an annuity
11 contract or to pension benefits payable under a qualified
12 pension plan. (Terminates April 17, 1993--sec. 4, Ch. 469,
13 L. 1991.)

14 71-3-1118. (Effective April 17, 1993) Applicability.

15 (1) Except as provided in subsection (2), this part does not
16 apply to compensation awarded to workers for injury,
17 disease, or death pursuant to the Workers' Compensation Act
18 or the Occupational Disease Act of Montana.

19 (2) This part applies to all payments awarded for
20 medical, therapy, chiropractic, dentistry, counseling, and
21 hospital services pursuant to the acts referred to in
22 subsection (1).

23 (3) This part does not apply to any benefits payable
24 under a policy of life insurance or group life insurance, a
25 contract of disability insurance, or an annuity contract or

1 to pension benefits payable under a qualified pension plan."

-End-

1 **Senate** BILL NO. **352**
 2 INTRODUCED BY Anthony R. Vogel
 3 Steven W. Hingey Christiane J. Johnson
 4 A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE PHYSICIAN,
 5 NURSE, PHYSICAL THERAPIST, OCCUPATIONAL THERAPIST,
 6 CHIROPRACTOR, DENTIST, AND HOSPITAL LIEN ACT TO INCLUDE
 7 PSYCHOLOGISTS, LICENSED SOCIAL WORKERS, AND LICENSED
 8 PROFESSIONAL COUNSELORS; AND AMENDING SECTIONS 71-3-1111,
 9 71-3-1112, 71-3-1114, 71-3-1115, 71-3-1117, AND 71-3-1118,
 10 MCA."
 11

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

13 **Section 1.** Section 71-3-1111, MCA, is amended to read:

14 "71-3-1111. Short title. This part may be cited as the
 15 "Physician, Nurse, Physical Therapist, Occupational
 16 Therapist, Chiropractor, Dentist, Psychologist, Licensed
 17 Social Worker, Licensed Professional Counselor, and Hospital
 18 Lien Act."

19 **Section 2.** Section 71-3-1112, MCA, is amended to read:

20 "71-3-1112. Purpose. The purpose of this part is to
 21 establish lien rights for physicians, nurses, physical
 22 therapists, occupational therapists, chiropractors, persons
 23 practicing dentistry, psychologists, licensed social
 24 workers, licensed professional counselors, and hospitals
 25 when a person receiving medical or other treatment:

1 (1) is injured through the fault or neglect of another;
 2 or
 3 (2) is either insured or a beneficiary under
 4 insurance."

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

6 "71-3-1114. Liens of physicians, nurses, physical
 7 therapists, occupational therapists, chiropractors, persons
 8 practicing dentistry, psychologists, licensed social
 9 workers, licensed professional counselors, and hospitals.

10 (1) Whenever a physician, nurse, physical therapist,
 11 occupational therapist, chiropractor, person practicing
 12 dentistry, psychologist, licensed social worker, licensed
 13 professional counselor, or hospital renders services to a
 14 person injured through the fault or neglect of another, the
 15 physician, nurse, physical therapist, occupational
 16 therapist, chiropractor, person practicing dentistry,
 17 psychologist, licensed social worker, licensed professional
 18 counselor, or hospital, upon giving the required notice of

THERE ARE NO CHANGES IN THIS BILL
 AND WILL NOT BE REPRINTED. PLEASE
 REFER TO YELLOW COPY FOR COMPLETE TEXT.

HOUSE STANDING COMMITTEE REPORT

March 15, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Business and Economic Development report that Senate Bill 352 (third reading copy - blue) be concurred in as amended.

Signed: 
Steve Benedict, Chair

And, that such amendments read:

Carried by: Rep. Simon

1. Page 2, line 22.

Page 2, line 24.

Page 3, line 21.

Page 4, line 11.

Following: "disease,"

Insert: "counseling service,"

2. Page 5, line 3.

Following: "dentistry,"

Insert: "counseling,"

3. Page 5, line 10.

Following: "dentistry,"

Insert: "psychologist, licensed social worker, licensed professional counselor,"

-END-

HOUSE

Committee Vote:
Yes 18, No 0.

SB 352
581153SC.Hpf

SENATE BILL NO. 352

INTRODUCED BY KEATING, VOGEL, RYE, SQUIRES, BOHLINGER,
CHRISTIAENS, SIMON

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING THE PHYSICIAN,
NURSE, PHYSICAL THERAPIST, OCCUPATIONAL THERAPIST,
CHIROPRACTOR, DENTIST, AND HOSPITAL LIEN ACT TO INCLUDE
PSYCHOLOGISTS, LICENSED SOCIAL WORKERS, AND LICENSED
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workers, licensed professional counselors, and hospitals

when a person receiving medical or other treatment:

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or

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

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workers, licensed professional counselors, and hospitals.

(1) Whenever a physician, nurse, physical therapist,
occupational therapist, chiropractor, person practicing
dentistry, psychologist, licensed social worker, licensed
professional counselor, or hospital renders services to a
person injured through the fault or neglect of another, the
physician, nurse, physical therapist, occupational
therapist, chiropractor, person practicing dentistry,
psychologist, licensed social worker, licensed professional
counselor, or hospital, upon giving the required notice of
lien, has a lien for the value of services rendered on:

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

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

1 COUNSELING SERVICE, or death; and

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

4 (2) If a person is an insured or a beneficiary under
5 insurance which provides coverage in the event of injury or
6 disease, a physician, nurse, physical therapist,
7 occupational therapist, chiropractor, person practicing
8 dentistry, psychologist, licensed social worker, licensed
9 professional counselor, or hospital, upon giving the
10 required notice of lien, has a lien for the value of
11 services rendered on all proceeds or payments, except
12 payments for property damage, payable by the insurer.

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

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

16 "71-3-1115. Notice of lien. (1) A physician, nurse,
17 physical therapist, occupational therapist, chiropractor,
18 person practicing dentistry, psychologist, licensed social
19 worker, licensed professional counselor, or hospital
20 claiming a lien shall serve written notice upon the person
21 and upon ~~his~~ the insurer, if any, against whom liability for
22 injury, disease, COUNSELING SERVICE, or death is asserted,
23 stating the nature of the services, for whom and when
24 rendered, the value of the services, and that a lien is
25 claimed.

1 (2) A physician, nurse, physical therapist,
2 occupational therapist, chiropractor, person practicing
3 dentistry, psychologist, licensed social worker, licensed
4 professional counselor, or hospital claiming a lien upon
5 proceeds or payments payable by an insurer shall serve
6 written notice upon the insurer against whom the lien is
7 asserted, stating the nature of the services, for whom and
8 when rendered, the value of the services, and that a lien is
9 claimed."

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

11 "71-3-1117. Liability for failure to recognize lien. If
12 any insurer or person, after receiving notice of lien, makes
13 payment on account of injury, disease, COUNSELING SERVICE,
14 or death and the amount of the lien claimed by any
15 physician, nurse, physical therapist, occupational
16 therapist, chiropractor, person practicing dentistry,
17 psychologist, licensed social worker, licensed professional
18 counselor, or hospital has not been paid, the insurer or
19 person is liable to the physician, nurse, physical
20 therapist, occupational therapist, chiropractor, person
21 practicing dentistry, psychologist, licensed social worker,
22 licensed professional counselor, or hospital for the
23 reasonable value of the services."

24 **Section 6.** Section 71-3-1118, MCA, is amended to read:

25 "71-3-1118. (Temporary) Applicability. (1) Except as

1 provided in subsection (2), this part does not apply to
 2 compensation awarded to workers for injury, disease, or
 3 death pursuant to the Workers' Compensation Act or the
 4 Occupational Disease Act of Montana.

5 (2) This part applies to all payments awarded for
 6 medical, therapy, chiropractic, dentistry, COUNSELING, and
 7 hospital services pursuant to the acts referred to in
 8 subsection (1).

9 (3) This part does not apply to any benefits payable
 10 under a policy of life insurance or group life insurance; a
 11 contract of disability insurance, except benefits payable in
 12 reimbursement for services rendered by a physician, nurse,
 13 physical therapist, occupational therapist, chiropractor,
 14 person practicing dentistry, PSYCHOLOGIST, LICENSED SOCIAL
 15 WORKER, LICENSED PROFESSIONAL COUNSELOR, or hospital; or an
 16 annuity contract or to pension benefits payable under a
 17 qualified pension plan. (Terminates April 17, 1993--sec. 4,
 18 Ch. 469, L. 1991.)

19 71-3-1118. (Effective April 17, 1993) Applicability.

20 (1) Except as provided in subsection (2), this part does not
 21 apply to compensation awarded to workers for injury,
 22 disease, or death pursuant to the Workers' Compensation Act
 23 or the Occupational Disease Act of Montana.

24 (2) This part applies to all payments awarded for
 25 medical, therapy, chiropractic, dentistry, counseling, and

1 hospital services pursuant to the acts referred to in
 2 subsection (1).

3 (3) This part does not apply to any benefits payable
 4 under a policy of life insurance or group life insurance, a
 5 contract of disability insurance, or an annuity contract or
 6 to pension benefits payable under a qualified pension plan."

-End-