2019 Regular Session

HOUSE BILL NO. 257

BY REPRESENTATIVE MOSS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

PRIVILEGES/LIENS: Provides relative to the privilege of certain health care providers against proceeds recovered by injured persons

1	AN ACT
2	To amend and reenact R.S. 9:4752, 4753, and 4755, relative to privileges of health care
3	providers, hospitals, and ambulance services; to provide relative to the privilege of
4	health care providers, hospitals, and ambulance services against proceeds recovered
5	by injured persons; to provide the assignee of a health care provider, hospital, or
6	ambulance service with a right to claim the privilege; to provide relative to notice of
7	the privilege; to authorize delivery of the notice by email; and to provide for related
8	matters.
9	Be it enacted by the Legislature of Louisiana:
10	Section 1. R.S. 9:4752 is hereby amended and reenacted to read as follows:
11	§4752. Privilege on net proceeds collected from third party in favor of medical
12	providers for services and supplies furnished injured persons
13	\underline{A} . A health care provider, hospital, or ambulance service that furnishes
14	services or supplies to any injured person, or the assignee of the health care provider,
15	hospital, or ambulance service, shall have a privilege for the reasonable charges or
16	fees of such health care provider, hospital, or ambulance service on the net amount
17	payable to the injured person, his heirs, or legal representatives, out of the total
18	amount of any recovery or sum had, collected, or to be collected, whether by
19	judgment or by settlement or compromise, from another person on account of such
20	injuries, and on the net amount payable by any insurance company under any

Page 1 of 4

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	contract providing for indemnity or compensation to the injured person. The
2	privilege of an attorney shall have precedence over the privilege created under this
3	Section.
4	B. Subject to the provisions of any agreement related to the assignment, an
5	assignee of a health care provider, hospital, or ambulance service provider shall be
6	subrogated to all of the same rights of their assignor, and the amount paid by the
7	assignee to the assignor shall not be relevant or admissible in any proceeding
8	concerning a third party that relates to collection or recovery of the assigned charges
9	or fees.
10	Section 2. R.S. 9:4753 and 4755 are hereby amended and reenacted to read as
11	follows:
12	§4753. Written notice
13	A. The privilege created by R.S. 9:4752 shall become effective if, prior to
14	the payment of insurance proceeds, or to the payment of any judgment, settlement,
15	or compromise on account of injuries, a written notice containing the name and
16	address of the injured person and the name and location of the interested health care
17	provider, hospital, or ambulance service is delivered by certified mail, return receipt
18	requested, or by facsimile transmission, or by email with proof of receipt of
19	transmission by the interested health care provider, hospital, or ambulance services,
20	or the attorney or agent for the interested health care provider, hospital, or ambulance
21	service, or the assignee of the health care provider, hospital, or ambulance service,
22	to all of the following:
23	(1) to the The injured person,
24	(2) to his The attorney, of the injured person.
25	(3) to the The person alleged to be liable to the injured person on account of
26	the injuries sustained ,
27	(4) to any Any insurance carrier which has insured such person against
28	liability , and .

1	(5) to any Any insurance company obligated by contract to pay indemnity
2	or compensation to the injured person.
3	<u>B.</u> This privilege shall be effective against all persons given notice according
4	to the provisions of Subsection A of this Section and shall not be defeated nor
5	rendered ineffective as against any person that has been given the required notice
6	because of failure to give the notice to all those persons named in this Subsection \underline{A}
7	of this Section.
8	B.C. If delivery of the notice required by this Section is made by facsimile
9	transmission or email, and the sender fails to obtain a signed proof or of receipt
10	within seven days, then delivery shall be made by certified mail, return receipt
11	requested, and costs of mailing shall be taxed as court costs.
12	* * *
13	§4755. Itemized statements
14	A. Upon receipt of a written request, mailed by certified mail, return receipt
15	requested, from any person who has been given notice, the licensed health care
16	provider, hospital, or ambulance service, or the assignee of the health care provider,
17	hospital, or ambulance service, having the privilege shall, within thirty days after
18	receipt of such request, furnish an itemized statement of all charges having reference
19	to the injured person.
20	B. If such licensed health care provider, hospital, or ambulance service
21	privilege holder fails to comply with the provisions of this Section, the privilege
22	created shall be dissolved and ineffective.
23	Section 3. The provisions of Section 1 of this Act shall apply prospectively and
24	retroactively.
25	Section 4. This Act shall become effective upon signature by the governor or, if not
26	signed by the governor, upon expiration of the time for bills to become law without signature
27	by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
28	vetoed by the governor and subsequently approved by the legislature, this Act shall become
29	effective on the day following such approval.

Page 3 of 4

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 257 Original	2019 Regular Session	Moss
-----------------	----------------------	------

Abstract: Provides the assignee of a health care provider, hospital, or ambulance service a right to the privilege against certain proceeds recovered by injured persons, and authorizes delivery by email of the notice of such privilege.

<u>Present law</u> provides that a health care provider, hospital, or ambulance service that furnishes services or supplies to an injured person shall have a privilege for the reasonable charges or fees for such services against the net amount payable to the injured person from another person on account of such injuries, as well as the net amount payable by any insurance company under any contract providing for indemnity or compensation to the injured person.

<u>Proposed law</u> retains <u>present law</u> and adds the assignee of the health care provider, hospital, or ambulance service to the list of entities having a claim to the privilege. Further provides for prospective and retroactive application of <u>proposed law</u>.

<u>Present law</u> provides that the privilege shall become effective when notice of the privilege is delivered to certain persons and entities by certified mail or facsimile transmission.

Proposed law retains present law and authorizes delivery of the notice by email.

<u>Present law</u> requires the health care provider, hospital, or ambulance service having the privilege to furnish an itemized statement of all charges related to the injured person within 30 days of a written request by any person who receives the notice required by <u>present law</u>.

<u>Proposed law</u> extends this duty to assignees of the health care provider, hospital, or ambulance service having the privilege.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 9:4752, 4753, and 4755)