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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Angela L. De Jean.

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## DIGEST

Proposed law defines "third party" as a tortfeasor, liability insurer or indemnity insurer.

Present law provides that a health care provider, hospital or ambulance service which furnishes services to an injured person shall have a privilege for certain charges or fees on the net amount payable to the injured person.

Proposed law provides that the privilege created by present law is on the net amount payable by a third party to the injured person.

Proposed law provides that when a health care provider, hospital or ambulance service seeks to enforce the privilege created by present law the enforcement shall not be considered an attempt to collect from the injured person.

Proposed law additionally provides that when the health care provider, hospital or ambulance service enforces the privilege, any health and accident insurance the injured party shall become secondary to this privilege.

Present law provides that prior to the payment of insurance proceeds, any judgment, settlement or compromise, the privilege created shall become effective if certain conditions are met.

Proposed law provides that the privilege will become effective if certain conditions are met prior to the payment of insurance proceeds, or the payment of any judgment, settlement, or compromise by a third party.

Effective August 15, 2011.

(Amends R.S. 9:4752 and 4753(A); adds R.S. 9:4751(5))