

AMENDMENTS TO LB157

(Amendments to Standing Committee amendments, AM1525)

Introduced by Holdcroft, 36.

1 1. Insert the following new section:

2 Sec. 7. Section 52-401, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 52-401 (1) Whenever any person employs a physician, nurse,
5 chiropractor, ~~or hospital, or provider of emergency medical service~~ to
6 perform professional ~~service~~ or services of any nature, in the treatment
7 of or in connection with an injury, and such injured person claims
8 damages from the party causing the injury, such physician, nurse,
9 chiropractor, ~~or hospital, or provider of emergency medical service~~ as
10 ~~the case may be~~, shall have a lien upon any sum awarded the injured
11 person in judgment or obtained by settlement or compromise on the amount
12 due for the usual and customary charges of such physician, nurse,
13 chiropractor, ~~or hospital, or provider of emergency medical service~~
14 applicable at the time ~~times~~ services are performed, except that no such
15 lien shall be valid against anyone covered ~~coming~~ under the Nebraska
16 Workers' Compensation Act. For persons covered under private medical
17 insurance or another private health benefit plan, the amount of the lien
18 shall be reduced by the contracted discount or other limitation which
19 would have been applied had the claim been submitted for reimbursement to
20 the medical insurer or administrator of such other health benefit plan.
21 The measure of damages for medical expenses in personal injury claims
22 shall be the private party rate, not the discounted amount.

23 (2) In order to prosecute such lien, it shall be necessary for such
24 physician, nurse, chiropractor, ~~or hospital, or provider of emergency~~
25 medical service to serve a written notice upon the person or corporation
26 from whom damages are claimed that such physician, nurse, chiropractor,

1 ~~of~~ hospital, or provider of emergency medical service claims a lien for
2 such services and stating the amount due and the nature of such services,
3 except that whenever an action is pending in court for the recovery of
4 such damages, it shall be sufficient to file the notice of such lien in
5 the pending action.

6 (3) A physician, nurse, chiropractor, ~~of~~ hospital, or provider of
7 emergency medical service claiming a lien under this section shall not be
8 liable for attorney's fees and costs incurred by the injured person in
9 securing the judgment, settlement, or compromise, but the lien of the
10 injured person's attorney shall have precedence over the lien created by
11 this section.

12 (4) Upon a written request and with the injured person's consent, a
13 lienholder shall provide medical records, answers to interrogatories,
14 depositions, or any expert medical testimony related to the recovery of
15 damages within its custody and control at a reasonable charge to the
16 injured person.

17 (5) For purposes of this section, provider of emergency medical
18 service means a public entity that provides emergency medical service as
19 defined in section 38-1207.

20 2. Correct the operative date and repealer sections so that the
21 section added by this amendment becomes operative three calendar months
22 after the adjournment of this legislative session.

23 3. Renumber the remaining sections and correct internal references
24 accordingly.