

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 586

Introduced by Cornett, 45

Read first time January 17, 2007

Committee: Judiciary

A BILL

1 FOR AN ACT relating to liens; to amend section 52-401, Reissue
2 Revised Statutes of Nebraska; to change medical lien
3 provisions; to repeal the original section; and to
4 declare an emergency.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 52-401, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 52-401 Whenever any person employs a physician, nurse, or
4 hospital to perform professional service or services of any nature,
5 in the treatment of or in connection with an injury, and such
6 injured person claims damages from the party causing the injury,
7 such physician, nurse, or hospital, as the case may be, shall
8 have a lien upon any sum awarded the injured person in judgment
9 or obtained by settlement or compromise on the amount due for the
10 usual and customary charges of such physician, nurse, or hospital
11 applicable at the times services are performed, except that no
12 such lien shall be valid against anyone coming under the Nebraska
13 Workers' Compensation Act. For persons covered under medicare,
14 medicaid, or any medical insurance, the amount of the lien shall be
15 reduced by the discount which would have been applied had the claim
16 been submitted for reimbursement by medicare, medicaid, or medical
17 insurance.

18 In order to prosecute such lien, it shall be necessary
19 for such physician, nurse, or hospital to serve a written notice
20 upon the person or corporation from whom damages are claimed that
21 such physician, nurse, or hospital claims a lien for such services
22 and stating the amount due and the nature of such services, except
23 that whenever an action is pending in court for the recovery of
24 such damages, it shall be sufficient to file the notice of such
25 lien in the pending action.

1 A physician, nurse, or hospital claiming a lien under
2 this section shall not be liable for attorney's fees and
3 costs incurred by the injured person in securing the judgment,
4 settlement, or compromise, but the lien of the injured person's
5 attorney shall have precedence over the lien created by this
6 section.

7 Upon a written request and with the injured person's
8 consent, a lienholder shall provide medical records, answers
9 to interrogatories, depositions, or any expert medical testimony
10 related to the recovery of damages within its custody and control
11 at a reasonable charge to the injured person.

12 Sec. 2. Original section 52-401, Reissue Revised Statutes
13 of Nebraska, is repealed.

14 Sec. 3. Since an emergency exists, this act takes effect
15 when passed and approved according to law.