

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 383

BY JUDICIARY, RULES AND ADMINISTRATION COMMITTEE

AN ACT

1 RELATING TO MEDICAL LIENS; AMENDING SECTION 45-701, IDAHO CODE, TO REVISE  
2 PROVISIONS REGARDING THE RIGHT TO CERTAIN LIENS; AMENDING SECTION  
3 45-702, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE FILING OF CER-  
4 TAIN HOSPITAL LIENS; AMENDING SECTION 45-704A, IDAHO CODE, TO REVISE  
5 PROVISIONS REGARDING CERTAIN LIENS FOR NURSING CARE; AMENDING SEC-  
6 TION 45-704B, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN LIENS  
7 FOR MEDICAL CARE; AMENDING SECTION 48-303, IDAHO CODE, TO PROVIDE FOR  
8 THE APPLICATION OF THE IDAHO PATIENT ACT TO CERTAIN LIENS AND TO MAKE  
9 TECHNICAL CORRECTIONS; PROVIDING APPLICABILITY; AND DECLARING AN EMER-  
10 GENCY.  
11

12 Be It Enacted by the Legislature of the State of Idaho:

13 SECTION 1. That Section 45-701, Idaho Code, be, and the same is hereby  
14 amended to read as follows:

15 45-701. RIGHT TO LIEN CONFERRED. Every individual, partnership, firm,  
16 association, corporation, institution, or any governmental unit or combi-  
17 nation or parts thereof maintaining and operating a hospital in this state  
18 shall be entitled to a lien for the reasonable ~~charges for~~ value of hospital  
19 care, treatment, and maintenance of an injured person upon any and all causes  
20 of action, suits, claims, counterclaims, or demands accruing to the person  
21 to whom such care, treatment, or maintenance was furnished, or to the legal  
22 representatives of such person, on account of injuries giving rise to such  
23 causes of action and ~~which~~ that necessitated such hospital care, treatment,  
24 and maintenance.

25 SECTION 2. That Section 45-702, Idaho Code, be, and the same is hereby  
26 amended to read as follows:

27 45-702. PERFECTING LIEN -- STATEMENT OF CLAIM -- CONTENTS -- FIL-  
28 ING. (1) In order to perfect such lien, an officer or agent of such hospital,  
29 ~~before, or within ninety (90) days after, such person shall have been dis-~~  
30 ~~charged therefrom,~~ shall file in the office of the recorder of the county in  
31 which ~~such hospital shall be located~~ the services were provided a verified  
32 statement in writing setting forth the name and address of such patient,  
33 as it ~~shall appear~~ appears on the records of such hospital, the name and  
34 location of such hospital, ~~and~~ the name and address of the officer or agent  
35 of such hospital filing the lien, the dates of admission to the hospital  
36 and discharge of such patient therefrom, the amount claimed to be due for  
37 such hospital care, and, to the best of claimant's knowledge, the names and  
38 addresses of all persons, firms, or corporations claimed by such injured  
39 person or the legal representative of such person, to be liable for damages  
40 arising from such injuries; ~~such~~. The claimant shall also, within one (1)

1 day after the filing of such claim or lien, mail a copy thereof, postage pre-  
 2 paid, to each person, firm, or corporation ~~se~~ claimed to be liable for such  
 3 damages, at the address ~~se~~ given in such statement.

4 (2) (a) In the case of a patient who has no third-party payor, as de-  
 5 defined in section 48-303, Idaho Code, a lien authorized by this chapter  
 6 must be filed before or within ninety (90) days after either the date the  
 7 patient was discharged from the hospital or the last day services were  
 8 provided to the patient as a result of the injury, whichever is later.

9 (b) In the case of a patient who has a third-party payor, as defined  
 10 in section 48-303, Idaho Code, a lien authorized by this chapter may be  
 11 filed only during the first thirty (30) days that an extraordinary col-  
 12 lection action, as described in section 48-303(3) (a) (iii), Idaho Code,  
 13 may be timely commenced pursuant to the provisions of section 48-304,  
 14 Idaho Code.

15 (3) The filing of such claim or lien shall be notice thereof to all per-  
 16 sons, firms, or corporations liable for such damages, whether or not they are  
 17 named in such claim or lien.

18 SECTION 3. That Section 45-704A, Idaho Code, be, and the same is hereby  
 19 amended to read as follows:

20 45-704A. LIENS FOR NURSING CARE. Every person licensed under the laws  
 21 of the state of Idaho to render nursing care shall be entitled to a lien for  
 22 the reasonable ~~charges for~~ value of nursing care and treatment rendered an  
 23 injured person upon any and all causes of action, suits, claims, counter-  
 24 claims, or demands accruing to the person to whom such care and treatment was  
 25 furnished, or to the legal representatives of such person, on account of in-  
 26 juries giving rise to such causes of action and ~~which that~~ which that necessitate such  
 27 nursing care and treatment; ~~said~~. Such a lien shall be perfected within the  
 28 time prescribed and in the form and manner as provided in section 45-702,  
 29 Idaho Code; ~~said lien, and shall be recorded and indexed in the manner pro-~~  
 30 vided in section 45-703, Idaho Code; ~~said~~. The lien shall be enforced and/  
 31 or released in the manner provided in section 45-704, Idaho Code; ~~and if~~. If  
 32 the claimant of said lien shall prevail in an action to enforce said lien, the  
 33 court may allow reasonable attorney's fees and disbursements.

34 SECTION 4. That Section 45-704B, Idaho Code, be, and the same is hereby  
 35 amended to read as follows:

36 45-704B. LIENS FOR MEDICAL CARE. Every individual or association  
 37 licensed or incorporated under the laws of the state of Idaho to practice  
 38 medicine and surgery (hereinafter "physician") shall be entitled to a lien  
 39 for the reasonable ~~charges for~~ value of medical care and treatment rendered  
 40 an injured person upon any and all causes of action, suits, claims, counter-  
 41 claims, or demands accruing to the person to whom such care and treatment  
 42 was furnished, or to the legal representatives of such person, on account of  
 43 injuries giving rise to such causes of action and ~~which that~~ which that necessitate such  
 44 medical care and treatment. In order to perfect the lien, the physician or  
 45 his agent shall, ~~before or within ninety (90) days after the last date of med-~~  
 46 ~~ical services for the injury,~~ file the lien within the time prescribed and in  
 47 the same general form and manner as provided in section 45-702, Idaho Code,

1 in the office of the recorder of the county in which the physician rendered  
 2 the services. The lien shall be recorded and indexed in the manner provided  
 3 in section 45-703, Idaho Code. The lien shall be enforced ~~and/or~~ released  
 4 in the manner provided in section 45-704, Idaho Code. If the claimant of the  
 5 lien ~~shall prevail~~ prevails in an action to enforce the lien, the court may  
 6 allow reasonable attorney's fees and disbursements.

7 SECTION 5. That Section 48-303, Idaho Code, be, and the same is hereby  
 8 amended to read as follows:

9 48-303. DEFINITIONS. For the purposes of this chapter:

10 (1) (a) "Consolidated summary of services" means a written notice that  
 11 contains, at a minimum, the following:

12 (i) The name and contact information, including telephone num-  
 13 ber, of the patient;

14 (ii) The name and contact information, including telephone num-  
 15 ber, of the health care facility that the patient visited to re-  
 16 ceive goods or services;

17 (iii) The date and duration of the visit to the health care facil-  
 18 ity by the patient;

19 (iv) A general description of goods and services provided to the  
 20 patient during the visit to the health care facility, including  
 21 the name, address, and telephone number of each billing entity  
 22 whose health care providers provided the services and goods to the  
 23 patient; and

24 (v) A clear and conspicuous notification at the top of the notice  
 25 that states: "This is Not a Bill. This is a Summary of Medical Ser-  
 26 vices You Received. Retain This Summary for Your Records. Please  
 27 Contact Your Insurance Company and the Health Care Providers  
 28 Listed on this Summary to Determine the Final Amount You May Be  
 29 Obligated to Pay."

30 (b) For the purpose of calculating timeline requirements in this chap-  
 31 ter in the event of multiple notices, a "consolidated summary of ser-  
 32 vices" means the notice that first supplied the information required by  
 33 paragraph (a) of this subsection if such information did not change in  
 34 any subsequent notices.

35 (2) "Contested judgment" means a court judgment sought by one (1) party  
 36 that is challenged by another party through a filing with the court or by pre-  
 37 senting evidence or argument at a hearing before the court.

38 (3) (a) "Extraordinary collection action" means any of the following  
 39 actions done in connection with a patient's debt:

40 (i) Prior to sixty (60) days from the patient's receipt of the  
 41 final notice before extraordinary collection action, selling,  
 42 transferring, or assigning any amount of a patient's debt to any  
 43 third party, or otherwise authorizing any third party to collect  
 44 the debt in a name other than the name of the health care provider;

45 (ii) Reporting adverse information about the patient to a con-  
 46 sumer reporting agency; or

47 (iii) ~~Commencing~~ Except as provided in paragraph (c) of this sub-  
 48 section, commencing any judicial or legal action or filing or

1 recording any document in relation thereto, including but not lim-  
2 ited to:

- 3 1. Placing a lien on a person's property or assets;
- 4 2. Attaching or seizing a person's bank account or any other  
5 personal property;
- 6 3. Initiating a civil action against any person; or
- 7 4. Garnishing an individual's wages.

8 (b) "Extraordinary collection action" does not include an action pur-  
9 suant to and in compliance with section 28-22-105, Idaho Code.

10 (c) A provider authorized to file a lien to secure payment of the rea-  
11 sonable value of services provided to an injured patient pursuant to  
12 section 45-701, Idaho Code, is not prevented from filing such a lien by  
13 the provisions of this chapter, but must do so pursuant to the timeline  
14 and provisions of chapter 7, title 45, Idaho Code.

15 (4) (a) "Final notice before extraordinary collection action" means a  
16 written notice that contains, at a minimum, the following:

- 17 (i) The name and contact information, including telephone num-  
18 ber, of the patient;
- 19 (ii) The name and contact information, including telephone num-  
20 ber, of the health care facility where the health care provider  
21 provided goods and services to the patient;
- 22 (iii) A list of the goods and services that the health care  
23 provider provided to the patient during the patient's visit to the  
24 health care facility, including the initial charges for the goods  
25 and services and the date the goods and services were provided, in  
26 reasonable detail;
- 27 (iv) A statement that a full itemized list of goods and services  
28 provided to the patient is available upon the patient's request;
- 29 (v) The name of the third-party payors to which the charges for  
30 health care services were submitted by the health care provider;
- 31 (vi) A detailed description of all reductions, adjustments, off-  
32 sets, and third-party payor payments, including payments already  
33 received from the patient, that adjust the initial charges for the  
34 goods and services provided to the patient during the visit; and
- 35 (vii) The final amount that the patient is liable to pay after tak-  
36 ing into account all applicable reductions, including but not lim-  
37 ited to the items identified in subparagraph (vi) of this para-  
38 graph.

39 (b) For the purpose of calculating timeline requirements in this chap-  
40 ter in the event of multiple notices, the "final notice before extraor-  
41 dinary collection action" means the notice that first supplied the in-  
42 formation required by paragraph (a) of this subsection if such informa-  
43 tion did not change in any subsequent notices.

44 (5) "Health care facility" means any person, entity, or institution op-  
45 erating a physical or virtual location that holds itself out to the public  
46 as providing health care services through itself, through its employees, or  
47 through third-party health care providers. Health care facilities include  
48 but are not limited to hospitals and other licensed inpatient centers; ambu-  
49 latory surgical or treatment centers; skilled nursing centers; residential  
50 treatment centers; urgent care centers; diagnostic, laboratory, and imaging

1 centers; and rehabilitation and other therapeutic health settings, as well  
2 as medical transportation providers.

3 (6) "Health care provider" means:

4 (a) A physician or other health care practitioner licensed, accred-  
5 ited, or certified to perform health care services consistent with  
6 state law, or any agent or third-party representative thereof; or

7 (b) A health care facility or its agent.

8 (7) "Health care services" means services for the diagnosis, preven-  
9 tion, treatment, cure, or relief of a health condition, illness, injury, or  
10 disease.

11 (8) "Patient" means a person who seeks or receives services from a  
12 health care provider. For the purposes of this chapter, "patient" includes a  
13 parent if the patient is a minor, a legal guardian if the patient is an adult  
14 under guardianship, or any person contractually or otherwise liable for the  
15 financial obligations of the person receiving goods or services from the  
16 health care provider.

17 (9) "Third-party payor" means a health carrier as defined in section  
18 41-5903, Idaho Code, or a self-funded plan as defined in section 41-4002 or  
19 41-4102, Idaho Code, and includes multiple third-party payors when applica-  
20 ble.

21 (10) "Uncontested judgment" means a court judgment sought by one (1)  
22 party that is not contested by another party by filing with the court or by  
23 presenting evidence or argument at a hearing before the court.

24 SECTION 6. The provisions of this act shall apply to any services pro-  
25 vided to a patient on and after the date of passage and approval of this act.

26 SECTION 7. An emergency existing therefor, which emergency is hereby  
27 declared to exist, this act shall be in full force and effect on and after its  
28 passage and approval.