

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 587

BY BUSINESS COMMITTEE

AN ACT

1 RELATING TO LIENS FOR HEALTH CARE; AMENDING CHAPTER 7, TITLE 45, IDAHO
2 CODE, BY THE ADDITION OF A NEW SECTION 45-704C, IDAHO CODE, TO PROVIDE
3 THAT CERTAIN LICENSED HEALTH CARE PROFESSIONALS SHALL BE ENTITLED TO
4 A CERTAIN LIEN, TO PROVIDE A PROCEDURE FOR PERFECTING SUCH LIEN, TO
5 PROVIDE REQUIREMENTS FOR RECORDING, INDEXING, ENFORCING AND RELEASING
6 SUCH LIEN, TO ALLOW THE PREVAILING CLAIMANT OF SUCH LIEN TO RECOVER
7 CERTAIN FEES AND DISBURSEMENTS AND TO PROVIDE THE PRIORITY OF SUCH LIEN.
8

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

10 SECTION 1. That Chapter 7, Title 45, Idaho Code, be, and the same is
11 hereby amended by the addition thereto of a NEW SECTION, to be known and
12 designated as Section 45-704C, Idaho Code, and to read as follows:

13 45-704C. LIENS FOR HEALTH CARE -- PRIORITY. (1) Every individual or
14 association licensed or incorporated under the laws of the state of Idaho to
15 practice chiropractic, physical therapy, occupational therapy, podiatry
16 or dentistry, or who is a licensed dental specialist, hereinafter "licensed
17 health care professional," shall be entitled to a lien for the reasonable
18 charges for health care and treatment rendered an injured person upon any
19 and all causes of action, suits, claims, counterclaims or demands accruing
20 to the person to whom such care and treatment was furnished, or to the legal
21 representatives of such person, on account of injuries giving rise to such
22 causes of action and which necessitate such health care and treatment. In
23 order to perfect the lien, the licensed health care professional or his agent
24 shall, before or within ninety (90) days after the last date of health care
25 services for the injury, file the lien in the same general form and manner as
26 provided in section 45-702, Idaho Code, in the office of the recorder of the
27 county in which the licensed health care professional rendered the services.
28 The lien shall be recorded and indexed in the manner provided in section
29 45-703, Idaho Code. The lien shall be enforced and released in the manner
30 provided in section 45-704, Idaho Code. If the claimant of the lien prevails
31 in an action to enforce the lien, the court may allow reasonable attorney's
32 fees and disbursements.

33 (2) A lien perfected pursuant to sections 45-704A and 45-704B, Idaho
34 Code, shall have priority over a conflicting lien perfected pursuant to this
35 section, notwithstanding the time of filing or perfection.