

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 480

Introduced by Holdcroft, 36; Sanders, 45.

Read first time January 17, 2023

Committee:

- 1 A BILL FOR AN ACT relating to medical liens; to amend section 52-401,
- 2 Reissue Revised Statutes of Nebraska; to provide for a lien for
- 3 providers of emergency medical services; and to repeal the original
- 4 section.
- 5 Be it enacted by the people of the State of Nebraska,

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

3 52-401 (1) Whenever any person employs a physician, nurse,
4 chiropractor, ~~or~~ hospital, or provider of emergency medical service to
5 perform professional ~~service~~ or services of any nature, in the treatment
6 of or in connection with an injury, and such injured person claims
7 damages from the party causing the injury, such physician, nurse,
8 chiropractor, ~~or~~ hospital, or provider of emergency medical service as
9 ~~the case may be~~, shall have a lien upon any sum awarded the injured
10 person in judgment or obtained by settlement or compromise on the amount
11 due for the usual and customary charges of such physician, nurse,
12 chiropractor, ~~or~~ hospital, or provider of emergency medical service
13 applicable at the time ~~times~~ services are performed, except that no such
14 lien shall be valid against anyone covered ~~coming~~ under the Nebraska
15 Workers' Compensation Act. For persons covered under private medical
16 insurance or another private health benefit plan, the amount of the lien
17 shall be reduced by the contracted discount or other limitation which
18 would have been applied had the claim been submitted for reimbursement to
19 the medical insurer or administrator of such other health benefit plan.
20 The measure of damages for medical expenses in personal injury claims
21 shall be the private party rate, not the discounted amount.

22 (2) In order to prosecute such lien, it shall be necessary for such
23 physician, nurse, chiropractor, ~~or~~ hospital, or provider of emergency
24 medical service to serve a written notice upon the person or corporation
25 from whom damages are claimed that such physician, nurse, chiropractor,
26 ~~or~~ hospital, or provider of emergency medical service claims a lien for
27 such services and stating the amount due and the nature of such services,
28 except that whenever an action is pending in court for the recovery of
29 such damages, it shall be sufficient to file the notice of such lien in
30 the pending action.

31 (3) A physician, nurse, chiropractor, ~~or~~ hospital, or provider of

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

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

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

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