

BILL ANALYSIS

Senate Research Center
77R5849 CAS-F

S.B. 1031
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Health & Human Services
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As Filed

DIGEST AND PURPOSE

The current hospital lien statute was enacted to induce hospitals to receive patients injured by the negligence of others by giving a hospital lien on the claims, suit, or settlement of the patient against the negligent party. As proposed, S.B. 1031 clarifies that a hospital lien attaches not only when an individual is admitted to a hospital, but it also attaches in cases where the individual receives emergency room care but is not actually admitted to the hospital. The bill also allows a hospital to seek payment for any charges left unpaid under any judgment.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 55.002, Property Code, to add language to require an individual to receive emergency treatment or be admitted to a hospital not later than 72 hours after the accident for a hospital lien on a patient's cause of action to attach. Makes a conforming change.

SECTION 2. Amends Section 55.007(b), Property Code, to add language to authorize a hospital to collect any outstanding amount owed in the same manner as the hospital is authorized to collect any other debt owed to the hospital that is not secured by a lien, if the hospital's charges are not paid in full.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2001.