

BILL ANALYSIS

Senate Research Center
84R9081 AJA-F

H.B. 1862
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State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law suggests that county clerks send hospitals or emergency medical service (EMS) providers notice of the recording of a lien by those parties in county records; however, this causes confusion because there is no explicit statutory requirement for a county clerk to send such notice. H.B. 1862 remedies this concern by changing the date by which a hospital or EMS provider securing a lien is required to notify the injured person or the person's representative from not later than the fifth business day after the hospital or EMS provider receives notice from the county clerk to not later than the fifth business day after the date the notice of lien is filed.

H.B. 1862 amends current law relating to notice of hospital and emergency medical services liens.

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 55.005(d), Property Code, as follows:

(d) Requires the hospital or emergency medical services provider, except as provided by Subsection (e) (providing that an emergency medical services provider is not required to provide notice by mail if the emergency medical services provider provides the notice required by this section to the injured individual or the injured individual's representative at the time emergency medical services are provided if the notice meets certain requirements), not later than the fifth business day after the date a hospital or emergency medical services provider files the notice of lien under Subsection (a) (requiring a hospital or emergency medical services provider, to secure a lien, to provide certain information and notice as set forth), to send a written notice to the injured individual or the injured individual's legal representative, by regular mail, to the individual's last known address, informing the individual that the lien meets certain requirements set forth, rather than requires the hospital or emergency medical services provider, except as provided by Subsection (e), not later than the fifth business day after the date a hospital or emergency medical services provider receives notice from the county clerk that a notice of lien filed under Subsection (a)(2) has been recorded in the county records, to send a written notice to the injured individual or the injured individual's legal representative, by regular mail, to the individual's last known address, informing the individual that the lien meets certain requirements set forth.

SECTION 2. Provides that the change in law made by this Act applies only to a lien for services provided to an injured individual on or after the effective date of this Act. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2015.