

By Mr. Reinstein of Revere, petition of William G. Reinstein for legislation to extend hospital liens to include payments made by underinsured and uninsured motor vehicle insurance policies. Insurance.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Four.

AN ACT TO EXTEND HOSPITAL LIENS TO INCLUDE PAYMENT MADE UNDER UNDERINSURED, UNINSURED AUTOMOBILE INSURANCE COVERAGE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 111 of the General Laws, as appearing
2 in the 1988 Official Edition, is hereby amended by striking out
3 Section 70A and inserting in place thereof the following
4 Section: —

5 Section 70A. Any person and any city or town maintaining a
6 hospital licensed under the provisions of section fifty-one, any
7 hospital located in the commonwealth and operated by the United
8 States Veterans Administration, any hospital operated by the
9 commonwealth which furnished medical or other services to any
10 person injured in an accident not covered by the worker's
11 compensation act shall, subject to the provisions of section
12 seventy B, have a lien for the reasonable and necessary charges
13 of such hospital, not exceeding, however, the amount which would
14 be charged in a ward of such hospital, and any health maintenance
15 organization, hospital, medical, or dental service corporation
16 which has furnished health services or provided benefits for
17 covered services furnished to a person injured in such an accident
18 shall, subject to the provisions of section seventy B, have a lien
19 for such benefits, upon the net amount payable to such injured
20 person, his heirs or legal representative out of the total amount
21 of any recovery or sum had or collected or to be collected, whether

22 by judgment, or settlement, compromise or arbitration from
23 another person as compensation on account of such injuries. As
24 used herein, the word "person" shall include an insurer obligated
25 to provide uninsured motorist benefits pursuant to G.L.M.
26 Chapter 175, Sections 111D and 113L. The lien of any attorney
27 shall have precedence over the lien created under this section. The
28 provisions of this section shall not apply to any such charges
29 incurred subsequent to any such judgment, settlement,
30 compromise or arbitration.

1 SECTION 2. Chapter 111 of the General Laws, as appearing
2 in the 1988 Official Edition, is hereby amended by striking out
3 Section 70B and inserting in place thereof the following
4 Section: —

5 Section 70B. Such lien shall take effect if, prior to any such
6 judgment, settlement, compromise or arbitration, a written notice
7 containing the name and address of the injured person, the date
8 of the accident, the name and location of the provider of hospital,
9 medical or dental services, the name of the person alleged to be liable
10 to the injured person for the injuries received and, if applicable,
11 the name and address of the health maintenance organization, or
12 the hospital, medical, or dental service corporation, shall be
13 mailed by the hospital, health maintenance organization, medical
14 or dental service corporation, by certified mail, return receipt
15 requested, to such injured person, to his attorney, to the person
16 alleged to be liable to such injured person for the injuries
17 sustained, to any insurance carrier which has insured such person
18 against liability, and to any insurance company which may be
19 obligated to pay uninsured motorist benefits to the injured person
20 pursuant to G.L.M. Chapter 175, Sections 111D and 113L. Such
21 injured person or his attorney, shall, upon request from the health
22 maintenance organization, hospital, medical, or dental service
23 corporation, promptly furnish said health maintenance
24 organization, hospital, medical or dental service corporation with
25 the names and addresses of all such persons or insurers required
26 for the purpose of sending such written notice.

1 SECTION 3. Chapter 111 of the General Laws, as appearing
2 in the 1988 Official Edition, is hereby amended by striking out

3 Section 70C and inserting in place thereof the following
4 Section: —

5 Section 70C. Any person who pays over any money upon which
6 there is a lien as provided in section seventy A of which he has
7 received notice as provided in section seventy B or for which he
8 has received a request for names and addresses as provided in
9 section seventy B to any such injured person, his attorney or his
10 heirs or legal representatives shall be liable to the person or the
11 city or town having such lien for the amount thereof, not
12 exceeding, however, said net amount paid such injured person,
13 his heirs or legal representatives. Any action under this section
14 shall be commenced within one year after the date of such
15 payment.

