

SB217_L.020

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Human Services.

SB19-217 be amended as follows:

1 Amend printed bill, page 4, line 6, strike "AT OR BEFORE THE TIME" and
2 substitute "BEFORE".

3 Page 4, line 8, after "PARTY" insert "ORALLY AND IN WRITING".

4 Page 4, line 11, strike "LIEN;" and substitute "LIEN, INCLUDING AN
5 EXPLANATION OF THE LIENHOLDER'S POTENTIAL RIGHTS OF RECOVERY
6 AGAINST THE INJURED PARTY;".

7 Page 4, after line 19 insert:

8 "(b) BEFORE AN INJURED PARTY SIGNS AN AGREEMENT CREATING
9 A HEALTHCARE PROVIDER LIEN, A HEALTHCARE PROVIDER OR ITS ASSIGNEE
10 SHALL ADVISE THE INJURED PARTY ORALLY AND IN WRITING:

11 (I) THAT THE HEALTHCARE PROVIDER OR ITS ASSIGNEE IS NOT A
12 HEALTH INSURER OR PAYER OF BENEFITS AS THAT TERM IS DEFINED IN
13 SECTION 10-1-135 (2)(c)(I);

14 (II) THAT IN THE EVENT THAT THE AVAILABLE JUDGMENT,
15 SETTLEMENT, OR INSURANCE COVERAGE IS INSUFFICIENT TO FULLY
16 COMPENSATE THE INJURED PARTY FOR HIS OR HER INJURIES, DAMAGES,
17 AND LOSSES, THE LIENHOLDER MAY ONLY ASSIGN TO A COLLECTION
18 AGENCY OR DEBT COLLECTOR AN AMOUNT EQUAL TO THE TOTAL AMOUNT
19 ACTUALLY PAID BY THE LIENHOLDER TO HEALTHCARE PROVIDERS;

20 (III) THAT THE HEALTHCARE PROVIDER OR ITS ASSIGNEE IS NOT
21 REQUIRED TO REDUCE THE AMOUNT OF ITS LIEN TO SHARE IN THE COSTS OR
22 ATTORNEY FEES EXPENDED BY THE INJURED PARTY IN PURSUIT OF HIS OR
23 HER CLAIM FOR DAMAGES;

24 (IV) OF ANY CONTRACTUAL RELATIONSHIP BETWEEN THE
25 LIENHOLDER AND THE INJURED PARTY'S LEGAL COUNSEL; AND

26 (V) OF ANY CONTRACTUAL RELATIONSHIP BETWEEN THE
27 LIENHOLDER AND ANY HEALTHCARE PROVIDER WHO IS PROVIDING
28 TREATMENT OR WHO MAY PROVIDE TREATMENT TO THE INJURED PERSON
29 UNDER THE TERMS OF THE HEALTHCARE PROVIDER LIEN."

30 Reletter succeeding paragraph accordingly.

31 Page 5, line 2, strike "(1)(b)(I)" and substitute "(1)(c)(I)".

32 Page 6, line 24, strike "(1)(a) AND (1)(b)(II) DOES" and substitute "(1)(a),
33 (1)(b), AND (1)(c)(II) DO".

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