

Regular Session, 2014

SENATE BILL NO. 382

BY SENATOR LAFLEUR

PRIVILEGES/LIENS. Provides with respect to privileges for health care providers. (8/1/14)

1 AN ACT  
2 To amend and reenact R.S. 9:4752, relative to proceeds recovered by an injured person; to  
3 provide with respect to the privilege on net proceeds collected from a third party in  
4 favor of medical providers for services and supplies furnished to injured persons; to  
5 provide certain terms, conditions, and effects; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 9:4752 is hereby amended and reenacted to read as follows:

8 §4752. Privilege on net proceeds collected from third party in favor of medical  
9 providers for services and supplies furnished injured persons

10 A. A health care provider, hospital, or ambulance service that furnishes  
11 services or supplies to any injured person shall have a privilege for the reasonable  
12 charges or fees, **not to exceed the median rate negotiated with health care**  
13 **providers**, of such health care provider, hospital, or ambulance service on the net  
14 amount payable to the injured person, his heirs, or legal representatives, out of the  
15 total amount of any recovery or sum had, collected, or to be collected, whether by  
16 judgment or by settlement or compromise, from another person on account of such  
17 injuries, and on the net amount payable by any insurance company under any

1 contract providing for indemnity or compensation to the injured person **not**  
 2 **including uninsured motorists or medical payment insurance policies.** The  
 3 privilege of an attorney shall have precedence over the privilege created under this  
 4 Section.

5 **B. The health care provider's privilege shall attach to the net amount**  
 6 **payable to the injured person out of the total amount of any recovery or sum**  
 7 **had, collected, or to be collected from another person and on the net amount**  
 8 **payable by any insurance company in accordance with this Section. The**  
 9 **privilege, when timely filed, shall interrupt prescription and shall remain**  
 10 **effective until released or paid in accordance with this Section.**

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The original instrument was prepared by Angela Lockett De Jean. The following digest, which does not constitute a part of the legislative instrument, was prepared by Mary Dozier O'Brien.

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#### DIGEST

LaFleur (SB 382)

Present law provides that a health care provider, hospital, or ambulance service that furnishes services or supplies to any injured person shall have a privilege for the reasonable charges or fees of such health care provider, hospital, or ambulance service on the net amount payable to the injured person, his heirs, or legal representatives, out of the total amount of any recovery or sum had, collected, or to be collected, whether by judgment or by settlement or compromise, from another person on account of such injuries, and on the net amount payable by any insurance company under any contract providing for indemnity or compensation to the injured person.

Proposed law retains present law but would exclude amounts payable in uninsured or underinsured motorist provisions of the insurance policy from the amount payable. Provides that for the privilege of an attorney shall have precedence over the privilege created under present law. Further would provide that the "reasonable charges" in present law shall not exceed the median rate negotiated with health care providers.

Proposed law adds that the health care provider's privilege shall attach to the net amount payable, to the injured person out of the total amount of any recovery or sum had, collected, or to be collected from another person and on the net amount payable by any insurance company. The privilege, when timely filed, shall interrupt prescription and shall remain effective until released or paid in accordance with proposed law.

Effective August 1, 2014.

(Amends R.S. 9:4752)

#### Summary of Amendments Adopted by Senate

##### Senate Floor Amendments to engrossed bill

1. Provides that the privilege for reasonable charges or fees shall not exceed the

median rate negotiated with health care providers.

2. Provides that the privilege shall not extend to amounts payable under either the uninsured motorists or the underinsured medical payments in the insurance policy.