

AN ACT

ENTITLED, An Act to revise certain provisions regarding hospital liens.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 44-12 be amended by adding a NEW SECTION to read:

If the hospital receives notification regarding the availability of a third-party payor of healthcare benefits for the injured person, the hospital shall, before filing a lien under § 44-12-4, submit to the payor for payment any reasonable and necessary charges for the treatment, care, and maintenance of the injured person, to the extent permitted by law or by any applicable contract, including a preferred provider contract or an insurance policy or plan.

If after filing a lien the hospital receives notification regarding the availability of a third-party payor of healthcare benefits for the injured person, the hospital shall submit to the payor for payment any reasonable and necessary charges for the treatment, care, and maintenance of the injured person, to the extent permitted by law or by any applicable contract, including a preferred provider contract or an insurance policy or plan.

The hospital shall submit such charges to the payor in the same amounts and upon the same terms and conditions under which it submits charges for patients who do not have a claim against another for damages caused by an injury.

If the period prescribed by law or by contract for submitting such charges to the payor has expired through no fault of the hospital or if the payor has refused to pay the charges, the hospital may file a lien or enforce an existing lien.

Section 2. That § 44-12-1 be amended to read:

44-12-1. Subject to section 1 of this Act, a person, association, limited liability company, corporation, county, or other institution, including a municipal corporation, maintaining a hospital licensed under the laws of this state that furnishes hospitalization or other service of any other nature

in the treatment of or in connection with an injury not covered under title 62, if the injured party asserts or maintains a claim against another for damages on account of the injury, has a lien upon that part going or belonging to the injured party of any recovery or sum had or collected or to be collected by the injured party, or by the injured party's heirs or personal representative in case of the injured party's death, whether by judgment or by settlement or compromise to the amount of the reasonable and necessary charges of the hospital for the treatment, care, and maintenance of the injured party in the hospital up to the date of payment of the damages.

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I certify that the attached Act
originated in the

SENATE as Bill No. 70

Secretary of the Senate

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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 70

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State