

April 3, 2003

S 1011. HEALTH CARE PROVIDER LIENS. TO CLARIFY THE DUTIES OF PERSONS WHO RECEIVE FOR DISTRIBUTION SUMS RECOVERED FOR PERSONAL INJURY WITH RESPECT TO LIENS IN FAVOR OF HEALTH CARE PROVIDERS. Amends GS 44-50(b) to provide that the funds paid to a person in compensation for or in settlement of injuries and that are subject to liens in favor of health care providers are to be distributed according to the provider's pro rata share of the funds. Adds new GS 44-50.1 to provide that any health care provider with a lien who receives payment in an amount less than the amount claimed as due and payable is entitled to receive a written accounting of all settlement and judgment proceeds distributed. Also allows the payment of attorney's fees to be taxed as part of court costs and payable to the prevailing party in any action by a health care provider to enforce its lien rights.

Intro. by Berger.

Ref. to	GS 44
---------	-------

April 23, 2003

S 1011. HEALTH CARE PROVIDER LIENS. Intro. 4/3/03. Senate committee substitute makes the following changes to 1st edition. Amends GS 44-50(a) to require that lien claimant provide holder of funds with an itemized statement, hospital record, or medical report that shall have same effect as in GS 44-49(b). Amends GS 44-50(b) and GS 44-50.1(a) to replace reference to "health care provider" with "lienholder." Further amends GS 44-50(b) to provide that an attorney subject to art. shall not be liable for payment to lienholder, as long as attorney makes a pro rata distribution in accordance with subsection (a) or GS 44-49(b), and that attorney shall also not be liable for miscalculation of perfected lien amount. If claim is disputed, attorney is not liable for pro rata distribution to lienholder until dispute is resolved. Amends GS 44-50.1 to require that, upon written request, person distributing funds shall provide a description of pro rata distribution, and deletes requirement that statement include the amount of costs incurred and amount received by the injured party. Further amends sec. to provide that lienholder has same duty of confidentiality with respect to accounting as the injured party's attorney. Makes technical and conforming changes.

April 24, 2003

S 1011. HEALTH CARE PROVIDER LIENS. Intro. 4/3/03. Senate amendment makes the following changes to 2nd edition. Adds provisions to new GS 44-50.1, providing for accounting for distribution of funds to health care lienholders, that (1) make new section subservient to requirements of Health Insurance Portability and Accountability Act; and (2) make new section pre-emptive with respect to any confidentiality agreement entered into between injured person and payor of proceeds as compensation for or settlement of injuries, in cases in which lienholders receive less than lien amount.

June 11, 2003

S 1011. HEALTH CARE PROVIDER LIENS. Intro. 4/03/03. House committee substitute makes the following changes to 3rd edition. Deletes all changes to GS 44-50. Rewrites new 44-50.1 to make clearer that person distributing funds to lienholder may make accounting to lienholder regardless of any confidentiality agreement otherwise in effect between injured person and payor of proceeds; and to delete provision permitting award of attorneys' fees in action to enforce rights under Article.