

Senate Bill 192

By: Senators McKoon of the 29th, Goggans of the 7th and Ligon, Jr. of the 3rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 33-34-2 of the Official Code of Georgia Annotated, relating to
2 motor vehicle reparations definitions, so as to change the definition of medical payments
3 coverage; to amend Part 8 of Article 8 of Chapter 14 of Title 44 of the Official Code of
4 Georgia Annotated, relating to liens of hospitals and nursing homes, so as to allow liens to
5 apply to claims; to change certain provisions regarding perfecting a lien; to change certain
6 provisions regarding notice; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 33-34-2 of the Official Code of Georgia Annotated, relating to definitions
10 regarding motor vehicle accident reparations, is amended by revising paragraph (1) as
11 follows:

12 "(1) 'Medical payments coverage' includes any coverage in which the insurer agrees to
13 reimburse the insured and others for reasonable and necessary medical expenses and
14 funeral expenses incurred as a result of bodily injury or death caused by a motor vehicle
15 accident, without regard to the insured's liability for the accident. Coverage shall be
16 available to the named insured, resident spouse, and any resident relative while occupying
17 the covered motor vehicle, and to any other person legally occupying a covered motor
18 vehicle. Expenses must be incurred for services rendered within three years from the date
19 of the accident; provided, however, that nothing shall prevent an insurer from allowing
20 a longer period of time. This coverage may be assigned by an insured or beneficiary to
21 a healthcare provider in writing. Any rule or regulation promulgated which expands or
22 conflicts with this definition shall be null and void."

23 **SECTION 2.**

24 Part 8 of Article 8 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated,
25 relating to liens of hospitals and nursing homes, is amended by revising subsection (b) of

26 Code Section 44-14-470, relating to liens on causes of action accruing to injured persons for
 27 costs of care, as follows:

28 "(b) Any person, firm, hospital authority, or corporation operating a hospital, nursing
 29 home, or physician practice or providing traumatic burn care medical practice in this state
 30 shall have a lien for the reasonable charges for hospital, nursing home, physician practice,
 31 or traumatic burn care medical practice care and treatment of an injured person, which lien
 32 shall be upon any and all claims or causes of action accruing to the person to whom the
 33 care was furnished or to the legal representative of such person on account of injuries
 34 giving rise to the causes of action and which necessitated the hospital, nursing home,
 35 physician practice, or provider of traumatic burn care medical practice care, subject,
 36 however, to any attorney's lien. The lien provided for in this subsection is only a lien
 37 against such claims or causes of action and shall not be a lien against such injured person,
 38 such legal representative, or any other property or assets of such persons and shall not be
 39 evidence of such person's failure to pay a debt. This subsection shall not be construed to
 40 interfere with the exemption from this part provided by Code Section 44-14-474."

41 **SECTION 3.**

42 Said part is further amended by revising subsection (a) of Code Section 44-14-471, relating
 43 to the perfection of hospital, nursing home, and traumatic burn care medical practice liens,
 44 as follows:

45 "(a) In order to perfect the lien provided for in Code Section 44-14-470, the operator of the
 46 hospital, nursing home, physician practice, or provider of traumatic burn care medical
 47 practice or legal counsel for such entities:

48 (1) Shall, not less than 15 days prior to the date of filing the statement required under
 49 paragraph (2) of this subsection, provide written notice to the patient and, to the best of
 50 the claimant's knowledge, the persons, firms, corporations, and their insurers claimed by
 51 the injured person or the legal representative of the injured person to be liable for
 52 damages arising from the injuries and shall include in such notice a statement that the lien
 53 is not a lien against the patient or any other property or assets of the patient and is not
 54 evidence of the patient's failure to pay a debt. Such notice shall be sent to all such
 55 persons and entities by first-class and certified mail or statutory overnight delivery, return
 56 receipt requested; and

57 (2) Shall file in the office of the clerk of the superior court of the county in which the
 58 hospital, nursing home, physician practice, or provider of traumatic burn care medical
 59 practice is located and in the county wherein the patient resides, if a resident of this state,
 60 a verified statement setting forth the name and address of the patient as it appears on the
 61 records of the hospital, nursing home, physician practice, or provider of traumatic burn

62 care medical practice; the name and location of the hospital, nursing home, physician
 63 practice, or provider of traumatic burn care medical practice and the name and address
 64 of the operator thereof; the dates of admission and discharge of the patient therefrom or
 65 with respect to a physician practice, the dates of treatment; and the amount claimed to be
 66 due for the hospital, nursing home, physician practice, or provider of traumatic burn care
 67 medical practice care, which statement must be filed within the following time period:

68 (A) If the statement is filed by a hospital, nursing home, or provider of traumatic burn
 69 care medical practice, then the statement shall be filed within ~~75~~ 120 days after the
 70 person has been discharged from the facility; or

71 (B) If the statement is filed by a physician practice, then the statement shall be filed
 72 within ~~90~~ 150 days after the person first sought treatment from the physician practice
 73 for the injury."

74 **SECTION 4.**

75 Said part is further amended by revising subsection (a) of Code Section 44-14-473, relating
 76 to the effect of a covenant not to bring an action, as follows:

77 "(a) No release of the cause or causes of action or of any judgment thereon or any covenant
 78 not to bring an action thereon shall be valid or effectual against the lien created by Code
 79 Section 44-14-470 unless the holder thereof shall join therein or execute a release of the
 80 lien; and the claimant or assignee of the lien may enforce the lien by an action against the
 81 person, firm, or corporation liable for the damages or such person, firm, or corporation's
 82 insurer. If the claimant prevails in the action, the court may allow reasonable attorney's
 83 fees. The action shall be commenced against the person liable for the damages or such
 84 person's insurer within one year after notice is provided to the lien holder or its counsel of
 85 the date on which the liability is finally determined by a settlement, by a release, by a
 86 covenant not to bring an action, or by the judgment of a court of competent jurisdiction.
 87 Notice provided under this Code section shall be sent by certified mail."

88 **SECTION 5.**

89 All laws and parts of laws in conflict with this Act are repealed.