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| PREVAILED | Roll Call No. _____ |
| FAILED | Ayes _____ |
| WITHDRAWN | Noes _____ |
| RULED OUT OF ORDER | |

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 85 be amended to read as follows:

1 Page 1, after line 15, begin a new paragraph and insert:
2 "SECTION 2. IC 12-15-8-1 IS AMENDED TO READ AS
3 FOLLOWS[EFFECTIVE JULY 1, 1999]: Sec. 1. Whenever:
4 (1) the office pays medical expenses for or on behalf of a person
5 who has been injured or has suffered an illness or a disease as a
6 result of the negligence or act of another person; and
7 (2) the injured or diseased person asserts a claim against the
8 other person for damages resulting from the injury, illness, or
9 disease;
10 the office has a lien against the other person, ~~to the extent of~~ **in** the
11 amount **of that** paid by the office **to the extent of the other person's**
12 **liability for those medical expenses** on any recovery under the claim
13 ; . whether by judgment, compromise, or settlement. **Whenever the**
14 **existence or extent of liability of the other person for medical**
15 **expenses is disputed in a compromise or settlement of a claim**
16 **against the other person, the lien on any recovery by compromise**
17 **or settlement shall exist only for that portion of the medical**
18 **expenses equal to the portion that the recovery is of the whole**
19 **recovery of damages.**
20 SECTION 3. IC 12-15-8-9 IS AMENDED TO READ AS
21 FOLLOWS[EFFECTIVE JULY 1, 1999]: Sec. 9. (a) The office may
22 waive the office's right to assert a lien under this chapter.
23 (b) If the office does waive the right to a lien, the office is not
24 liable for a pro rata share of costs under section 7 of this chapter.
25 (c) **Whenever the office fails to reasonably participate in**
26 **mediation as provided by the Indiana Rules for Alternative Dispute**
27 **Resolution, such failure shall be deemed a waiver of any previously**

- 1 **held subrogation claim or lien under this chapter."**
- 2 Renumber all SECTIONS consecutively.
(Reference is to ESB85 as printed March 23, 1999.)

Representative TORR