

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that Engrossed Senate Bill 5 be amended to read as follows:

- 1 Page 1, line 3, delete "section 3(c) and 3(d)" and insert "**sections**
- 2 **3(c), 3(d), and 3.5**".
- 3 Page 2, line 13, delete "," and insert "**in connection with the**
- 4 **person's personal injuries**";
- 5 Page 2, line 25, delete "A" and insert "**Subject to subsection (d)**
- 6 **and section 3.5 of this chapter, a**".
- 7 Page 3, line 3, delete "person" and insert "**patient**".
- 8 Page 3, line 23, delete "," and insert "**in connection with the**
- 9 **patient's illness or injuries**";
- 10 Page 4, line 10, delete "settles or compromises" and insert "**receives**
- 11 **payment for**".
- 12 Page 4, line 11, delete "its" and insert "**the hospital lienholder's**".
- 13 Page 4, line 14, delete "settles or compromises" and insert "**receives**
- 14 **payment for**".
- 15 Page 6, delete lines 20 through 42, begin a new paragraph and
- 16 insert:
- 17 "SECTION 6. IC 32-33-5-3, AS AMENDED BY P.L.160-2012,
- 18 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 19 JULY 1, 2013]: Sec. 3. (a) **Subject to subsection (c) and section 3.5**
- 20 **of this chapter**, a provider has a lien for all reasonable and necessary
- 21 charges for the provision of emergency ambulance services to a patient
- 22 **(including any amount designated as a copayment or deductible)**
- 23 upon any cause of action, suit, or claim accruing to the patient, or in the
- 24 case of the patient's death, the patient's legal representative, because of

- 1 the illness or injuries that:
- 2 (1) gave rise to the cause of action, suit, or claim; and
- 3 (2) necessitated the provision of emergency ambulance services.
- 4 (b) The lien:
- 5 (1) applies to any amount obtained or recovered by the patient by
- 6 settlement or compromise rendered or entered into by the patient
- 7 or by the patient's legal representative;
- 8 (2) is subject and subordinate to any attorney's lien upon the claim
- 9 or cause of action; and
- 10 (3) is not applicable to accidents or injuries within the purview of:
- 11 **a patient covered by:**
- 12 (A) **the provisions of IC 22-3, the state worker's**
- 13 **compensation laws;**
- 14 (B) **the provisions of 5 U.S.C. 8101 et seq., the federal**
- 15 **worker's compensation laws;**
- 16 (C) **45 U.S.C. 51 et seq., the federal employers liability act;**
- 17 **or**
- 18 (D) **IC 34-13-8 concerning a distribution paid from the**
- 19 **supplemental state fair relief fund to an eligible person (as**
- 20 **defined in IC 34-13-8-1) for an occurrence (as defined in**
- 21 **IC 34-13-8-2); or**
- 22 **(E) the provisions of:**
- 23 (i) **42 U.S.C. 1395 et seq., the federal Medicare program;**
- 24 **or**
- 25 (ii) **42 U.S.C. 1396 et seq., the federal Medicaid program**
- 26 **administered by the state under IC 12-15;**
- 27 **if the provider seeks payment from the Medicare or**
- 28 **Medicaid program in connection with the patient's illness**
- 29 **or injury.**
- 30 (c) **A lien provided for in this chapter does not apply to a cause**
- 31 **of action, suit, or claim accruing to the patient under:**
- 32 (1) **a policy of disability insurance; or**
- 33 (2) **the patient's automobile or homeowner's insurance that**
- 34 **provides payment for emergency ambulance services.**
- 35 SECTION 7. IC 32-33-5-3.5 IS ADDED TO THE INDIANA CODE
- 36 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 37 1, 2013]: **Sec. 3.5. (a) This section applies to any person who holds**
- 38 **a lien under this chapter.**
- 39 (b) **As used in this section, "ambulance lienholder" means a**
- 40 **provider that has a lien under this chapter.**
- 41 (c) **If an ambulance lienholder receives payment for a claim in**
- 42 **an amount less than the amount of the ambulance lienholder's lien,**
- 43 **the ambulance lienholder is barred from seeking any additional**
- 44 **reimbursement from the patient or the patient's representative.**
- 45 (d) **If an ambulance lienholder receives payment for a claim in**
- 46 **an amount less than the amount of the ambulance lienholder's lien**

1 and less than the amount that would be reimbursed by the federal  
 2 Medicare program (42 U.S.C. 1395 et seq.) or the federal Medicaid  
 3 program (42 U.S.C. 1396 et seq.), the ambulance lienholder,  
 4 notwithstanding section 3(b)(3)(E) of this chapter, may seek  
 5 reimbursement from the Medicare or Medicaid program for the  
 6 difference between the payment amount received and the amount  
 7 that would be reimbursed by the Medicare or Medicaid program.

8 (e) If an ambulance lienholder agrees to payment for emergency  
 9 ambulance services under the terms of a contract, the ambulance  
 10 lienholder is barred from seeking any amount above the amount  
 11 specified in the contract from the other party to the contract.

12 SECTION 8. IC 32-33-5-4 IS AMENDED TO READ AS  
 13 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 4. (a) To perfect a lien  
 14 under this chapter, the provider must file in the office of the recorder  
 15 of the county, within sixty (60) days after the provision of services or  
 16 not later than the date of the final settlement, compromise, or  
 17 resolution of the cause of action, suit, or claim accruing to the  
 18 patient, whichever occurs first, a verified statement in writing that  
 19 includes the following:

- 20 (1) The name and address of the patient.
- 21 (2) The name and address of the provider.
- 22 (3) The date services were provided.
- 23 (4) The amount claimed to be due.
- 24 (5) To the best of the provider's knowledge, the names and  
 25 addresses of anyone claimed by the patient or by the patient's  
 26 legal representative to be liable for damages arising from the  
 27 illness or injury.

28 (b) Within ten (10) days after filing the statement, the provider shall  
 29 send a copy by registered mail, postage prepaid:

- 30 (1) to each person claimed to be liable because of the illness or  
 31 injury at the address given in the statement; and
- 32 (2) to the attorney representing the patient if the name of the  
 33 attorney is known or with reasonable diligence could be  
 34 discovered by the provider.

35 (c) The filing of a claim under subsection (a) is notice to any person,  
 36 firm, limited liability company, or corporation that may be liable  
 37 because of the illness or injury, if the person, firm, limited liability  
 38 company, or corporation:

- 39 (1) receives notice under subsection (b); or
- 40 (2) resides or has offices in a county where the lien was perfected  
 41 or in a county where the lien was filed in the recorder's office as  
 42 notice under this subsection.

43 (d) A lien:

- 44 (1) is effective under this chapter on the date on which a  
 45 provider complies with subsections (a) and (b); and
- 46 (2) may not be made retroactive to any prior date.

1           ~~(d)~~ **(e)** A person desiring to contest a lien or the reasonableness of  
 2 the charges claimed by the provider may do so by filing a motion to  
 3 quash or reduce the claim in the circuit court in which the lien was  
 4 perfected, making all other parties of interest respondents.

5           SECTION 9. IC 32-33-5-7 IS AMENDED TO READ AS  
 6 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 7. (a) To release a lien  
 7 perfected under section 4 of this chapter, the provider ~~to whom that~~  
 8 **claims** the lien ~~has been paid~~ must file with the recorder in whose  
 9 office the notice of the lien was filed an executed certificate:

- 10           (1) stating that the claim filed by the provider for the provision of  
 11 emergency ambulance services has been paid or discharged; and  
 12           (2) authorizing the recorder to release the lien.

13           The provider shall bear the expense of obtaining a release.

14           (b) Upon receipt of the certificate, the recorder shall enter in the  
 15 margin of the record of the lien and the entry book a memorandum of  
 16 the filing and the date the certificate was filed. This entry constitutes  
 17 a release of lien for which the recorder shall receive the fee prescribed  
 18 in IC 36-2-7-10.

19           (c) If the amount of a lien has been satisfied or paid and  
 20 subsequently a demand for a release of the lien is made, the lienholder  
 21 is liable to the person, firm, limited liability company, or corporation  
 22 against whose interest the lien has been filed for ~~ten~~ **twenty-five**  
 23 dollars ~~(\$10)~~ **(\$25)** for each day that the lien remains in effect after the  
 24 fifteenth day after the demand for a release of the lien was made."

25           Delete page 7.

26           Re-number all SECTIONS consecutively.

(Reference is to ESB 5 as printed April 5, 2013.)

---

Representative Lehman