

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

Date

April 11, 2019

Committee on Health & Human Services.

After consideration on the merits, the Committee recommends the following:

SB19-217 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend printed bill, page 3, line 21, strike "ARTS." and substitute "ARTS,".
- 2 Page 3, strike line 22.
- 3 Page 3, line 23, strike "CENTER" and strike "PROVIDERS" and substitute
4 "PROVIDER".
- 5 Page 4, line 6, strike "AT OR BEFORE THE TIME" and substitute "BEFORE".
- 6 Page 4, line 8, after "PARTY" insert "ORALLY AND IN WRITING".
- 7 Page 4, line 11, strike "LIEN;" and substitute "LIEN, INCLUDING AN
8 EXPLANATION OF THE LIENHOLDER'S POTENTIAL RIGHTS OF RECOVERY
9 AGAINST THE INJURED PARTY;".
- 10 Page 4, after line 19 insert:
11 "(b) BEFORE AN INJURED PARTY SIGNS AN AGREEMENT CREATING
12 A HEALTHCARE PROVIDER LIEN, A HEALTHCARE PROVIDER OR ITS ASSIGNEE
13 SHALL ADVISE THE INJURED PARTY ORALLY AND IN WRITING:
14 (I) THAT THE HEALTHCARE PROVIDER OR ITS ASSIGNEE IS NOT A
15 HEALTH INSURER OR PAYER OF BENEFITS AS THAT TERM IS DEFINED IN
16 SECTION 10-1-135 (2)(c)(I);
17 (II) THAT EXCEPT IN THE EVENT OF FRAUD BY THE INJURED PARTY,

1 THE LIENHOLDER MAY ONLY ASSIGN TO A COLLECTION AGENCY OR DEBT
2 COLLECTOR AN AMOUNT EQUAL TO THE TOTAL AMOUNT ACTUALLY PAID
3 BY THE LIENHOLDER TO HEALTHCARE PROVIDERS;

4 (III) OF ANY INVOLVEMENT BETWEEN THE LIENHOLDER AND THE
5 INJURED PARTY'S LEGAL COUNSEL; AND

6 (IV) OF ANY INVOLVEMENT BETWEEN THE LIENHOLDER AND ANY
7 HEALTHCARE PROVIDER WHO IS PROVIDING TREATMENT OR WHO MAY
8 PROVIDE TREATMENT TO THE INJURED PERSON UNDER THE TERMS OF THE
9 HEALTHCARE PROVIDER LIEN."

10 Reletter succeeding paragraph accordingly.

11 Page 5, line 2, strike "(1)(b)(I)" and substitute "(1)(c)(I)".

12 Page 5, after line 2 insert:

13 "(2) UPON REQUEST BY THE INJURED PARTY OR THE INJURED
14 PARTY'S ATTORNEY, A LIENHOLDER SHALL PROVIDE TO THE INJURED PARTY
15 OR HIS OR HER ATTORNEY AN ITEMIZED STATEMENT OF ALL THE BILLED
16 CHARGES FOR TREATMENT THAT THE LIENHOLDER IS CLAIMING ARE
17 SUBJECT TO THE HEALTHCARE PROVIDER LIEN. THE STATEMENT MUST
18 INCLUDE A SUMMARY OF ALL TREATMENTS PROVIDED INCLUDING THE
19 AMOUNTS BILLED FOR EACH TREATMENT AND THE TOTAL AMOUNT OF THE
20 HEALTHCARE PROVIDER LIEN DUE AND OWING."

21 Renumber succeeding subsections accordingly.

22 Page 5, line 5, strike "BILLED" and substitute "BY THE HEALTHCARE
23 PROVIDER TO THE PATIENT AT THE TIME OF SERVICE".

24 Page 5, lines 5 and 6, strike "STANDARD FEE SCHEDULE." and substitute
25 "USUAL AND CUSTOMARY FEE FOR THE SERVICES PROVIDED."

26 Page 5, line 8, strike "SURCHARGES," and strike "CHARGES, OR INTEREST"
27 and substitute "CHARGES AS DEFINED IN SECTION 5-1-301 (20)".

28 Page 5, lines 10 and 11, strike "BILLED CHARGES AFTER THE MEDICAL
29 SERVICE HAS BEEN PROVIDED" and substitute "USUAL AND CUSTOMARY
30 BILLED CHARGE".

31 Page 5, line 15, strike "THIS SUBSECTION (3)" and substitute "SUBSECTION

1 (4)(a)".

2 Page 5, after line 18 insert:

3 "(c) EXCEPT IN THE EVENT OF FRAUD BY THE INJURED PARTY, THE
4 LIENHOLDER MAY ONLY ASSIGN TO A COLLECTION AGENCY OR DEBT
5 COLLECTOR AN AMOUNT EQUAL TO THE TOTAL AMOUNT ACTUALLY PAID
6 BY THE LIENHOLDER TO HEALTHCARE PROVIDERS."

7 Page 5, strike lines 19 through 25.

8 Renumber succeeding subsection accordingly.

9 Page 6, line 9, strike "THE" and substitute "EXCEPT IN AN ACTION UNDER
10 THE "UNIFORM CONSUMER CREDIT CODE", ARTICLE 1 OF TITLE 5, THE".

11 Page 6, line 23, strike "(2)" and substitute "(3)".

12 Page 6, strike line 24 and substitute "AND (4)(a); EXCEPT THAT SECTION
13 38-27.5-103 (1)(a), (1)(b), (1)(c)(II), AND (2) DO".

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