Summary of Legislation

This bill creates a healthcare provider lien. A healthcare provider lien is a lien created by a healthcare provider for charges for medical care provided to a person injured by the negligence or wrongful act of another person. Before or at the time of the creation of a healthcare provider lien, a healthcare provider must advise the injured person of all available methods for payment of the healthcare providers charges for treating them and billing options. All future care may be billed to an insurance provider if the injured party or his or her lawyer notifies the healthcare provider that they have obtained health insurance.

A healthcare lien cannot exceed the cost of the health services provided and may not include any surcharges, finance charges, or interest. A healthcare provider lien may be assigned to another person or entity and such assignment is not discoverable or admissible as evidence in any third-party civil claim.

State Revenue

Beginning in FY 2019-20, this bill increases Judicial Department civil filing fee revenue by a minimal amount from increased civil filings seeking to enforce or challenge a healthcare provider lien. The exact revenue impact will depend on the number of civil filings and the amount of damages sought. This revenue increase has not been estimated. For informational purposes, the civil filing fee for county court ranges from $85 to $135 depending on the amount of damages sought and the filing fee for district court is $235. Civil cases seeking damages of less than $25,000 may be filed in
county or district court, while cases seeking damages over $25,000 must be filed in district court. Civil filing fees are subject to TABOR; however, under the March 2019 Legislative Council Staff forecast, a TABOR surplus is not expected in FY 2019-20 or FY 2020-21.

State Expenditures

Beginning in FY 2019-20, this bill minimally increases Judicial Department and Department of Regulatory Agencies workload as described below.

Judicial Department. Workload for the trial courts in the Judicial Department will increase to process any healthcare provider lien civil court filings. Because civil filings already occur for other liens such as a hospital lien, and a judge can process over 500 civil filings per year, this increase is expected to be minimal and can be accomplished within existing resources.

Department of Regulatory Agencies. Workload in the Division of Professions and Occupations will increase by a minimal amount to update materials, respond to inquiries, and provide outreach to education healthcare providers about the healthcare provider lien. This workload can be accomplished within existing resources.

Effective Date

The bill takes effect August 2, 2019, if the General Assembly adjourns on May 3, 2019, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

| Corrections | Counties | Human Services |
| Information Technology | Judicial | Municipalities |
| Personnel | Public Health and Environment | Regulatory Agencies |

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The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit: leg.colorado.gov/fiscalnotes.