

As Amended by Senate Committee

Session of 2009

SENATE BILL No. 167

By Committee on Ways and Means

2-2

10 AN ACT concerning public health; relating to hospitals and related fa-
11 cilities; increasing the enforceable limit of a hospital lien; amending
12 K.S.A. 65-406 and repealing the existing section.
13

14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 65-406 is hereby amended to read as follows: 65-
16 406. (a) Every hospital, which furnishes emergency, medical or other
17 service to any patient injured by reason of an accident not covered by the
18 workers compensation act, if such injured party asserts or maintains a
19 claim against another for damages on account of such injuries, shall have
20 a lien upon that part going or belonging to such patient of any recovery
21 or sum had or collected or to be collected by such patient, or by such
22 patient's heirs, personal representatives or next of kin in the case of such
23 patient's death, whether by judgment or by settlement or compromise.

24 (b) Such lien shall be to the amount of the reasonable and necessary
25 charges of such hospital for the treatment, care and maintenance of such
26 patient in such hospital up to the date of payment of such damages. Such
27 lien shall not in any way prejudice or interfere with any lien or contract
28 which may be made by such patient or such patient's heirs or personal
29 representatives with any attorney or attorneys for handling the claim on
30 behalf of such patient or such patient's heirs or personal representatives.
31 Such lien shall not be applied or considered valid against anyone coming
32 under the workers compensation act in this state.

33 (c) In the event the claimed lien is for the sum of ~~\$5,000~~ ~~\$20,000~~
34 **\$10,000** or less it shall be fully enforceable as contemplated by subsection
35 (a) of this section. In the event the claimed lien is for a sum in excess of
36 ~~\$5,000~~ ~~\$20,000~~ **\$10,000** the first ~~\$5,000~~ ~~\$20,000~~ **\$10,000** of the claimed
37 lien shall be fully enforceable as contemplated by subsection (a) of this
38 section, and that part of the claimed lien in excess of ~~\$5,000~~ ~~\$20,000~~
39 **\$10,000** shall only be enforceable to the extent that its enforcement
40 constitutes an equitable distribution of any settlement or judgment under
41 the circumstances. In the event the patient or such patient's heirs or
42 personal representatives and the hospital or hospitals cannot stipulate to
43 an equitable distribution of a proposed or actual settlement or a judg-

1 ment, the matter shall be submitted to the court in which the claim is
2 pending, or if no action is pending then to any court having jurisdiction
3 and venue of the injury or death claim, for determination of an equitable
4 distribution of the proposed or actual settlement or judgment under the
5 circumstances.

6 Sec. 2. K.S.A. 65-406 is hereby repealed.

7 Sec. 3. This act shall take effect and be in force from and after its
8 publication in the statute book.