

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1012

Introduced by Hansen, 16.

Read first time January 13, 2026

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to liens; to amend section 52-401, Revised
- 2 Statutes Cumulative Supplement, 2024; to allow a lien for
- 3 professional services provided by a physical therapist as
- 4 prescribed; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 52-401, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 52-401 (1) Whenever any person employs a physician, nurse,
4 chiropractor, physical therapist, hospital, or provider of emergency
5 medical service to perform professional services of any nature, in the
6 treatment of or in connection with an injury, and such injured person
7 claims damages from the party causing the injury, such physician, nurse,
8 chiropractor, physical therapist, hospital, or provider of emergency
9 medical service, shall have a lien upon any sum awarded the injured
10 person in judgment or obtained by settlement or compromise on the amount
11 due for the usual and customary charges of such physician, nurse,
12 chiropractor, physical therapist, hospital, or provider of emergency
13 medical service applicable at the time services are performed, except
14 that no such lien shall be valid against anyone covered under the
15 Nebraska Workers' Compensation Act. For persons covered under private
16 medical insurance or another private health benefit plan, the amount of
17 the lien shall be reduced by the contracted discount or other limitation
18 which would have been applied had the claim been submitted for
19 reimbursement to the medical insurer or administrator of such other
20 health benefit plan. The measure of damages for medical expenses in
21 personal injury claims shall be the private party rate, not the
22 discounted amount.

23 (2) In order to prosecute such lien, it shall be necessary for such
24 physician, nurse, chiropractor, physical therapist, hospital, or provider
25 of emergency medical service to serve a written notice upon the person or
26 corporation from whom damages are claimed that such physician, nurse,
27 chiropractor, physical therapist, hospital, or provider of emergency
28 medical service claims a lien for such services and stating the amount
29 due and the nature of such services, except that whenever an action is
30 pending in court for the recovery of such damages, it shall be sufficient
31 to file the notice of such lien in the pending action.

1 (3) A physician, nurse, chiropractor, physical therapist, hospital,
2 or provider of emergency medical service claiming a lien under this
3 section shall not be liable for attorney's fees and costs incurred by the
4 injured person in securing the judgment, settlement, or compromise, but
5 the lien of the injured person's attorney shall have precedence over the
6 lien created by this section.

7 (4) Upon a written request and with the injured person's consent, a
8 lienholder shall provide medical records, answers to interrogatories,
9 depositions, or any expert medical testimony related to the recovery of
10 damages within its custody and control at a reasonable charge to the
11 injured person.

12 (5) For purposes of this section, provider of emergency medical
13 service means a public entity that provides emergency medical service as
14 defined in section 38-1207.

15 **Sec. 2.** Original section 52-401, Revised Statutes Cumulative
16 Supplement, 2024, is repealed.