

AMENDMENTS TO LB912

(Amendments to Standing Committee amendments, AM2224)

Introduced by Hansen, 16.

1 1. Insert the following new section:

2 **Sec. 16.** Section 52-401, Revised Statutes Cumulative Supplement,
3 2024, is amended to read:

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

24 (2) In order to prosecute such lien, it shall be necessary for such
25 physician, nurse, chiropractor, physical therapist, hospital, or provider
26 of emergency medical service to serve a written notice upon the person or

1 corporation from whom damages are claimed that such physician, nurse,
2 chiropractor, physical therapist, hospital, or provider of emergency
3 medical service claims a lien for such services and stating the amount
4 due and the nature of such services, except that whenever an action is
5 pending in court for the recovery of such damages, it shall be sufficient
6 to file the notice of such lien in the pending action.

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

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

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

21 2. Renumber the remaining sections and correct internal references
22 accordingly.

23 3. Correct the operative date and repealer sections so that the
24 sections added by this amendment become operative three calendar months
25 after the adjournment of this legislative session.