

E AND R AMENDMENTS TO LB 586

Introduced by Enrollment and Review Committee: McGill, 26,  
Chairperson

1           1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:

3           Section 1. Section 52-401, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           52-401 Whenever any person employs a physician, nurse,  
6 chiropractor, or hospital to perform professional service or  
7 services of any nature, in the treatment of or in connection  
8 with an injury, and such injured person claims damages from the  
9 party causing the injury, such physician, nurse, chiropractor, or  
10 hospital, as the case may be, shall have a lien upon any sum  
11 awarded the injured person in judgment or obtained by settlement or  
12 compromise on the amount due for the usual and customary charges  
13 of such physician, nurse, chiropractor, or hospital applicable  
14 at the times services are performed, except that no such lien  
15 shall be valid against anyone coming under the Nebraska Workers'  
16 Compensation Act. For persons covered under medical insurance or  
17 another health benefit plan, the amount of the lien shall be  
18 reduced by the discount or other limitation which would have been  
19 applied had the claim been submitted for reimbursement to the  
20 medical insurer or administrator of such other health benefit plan.

21           In order to prosecute such lien, it shall be necessary  
22 for such physician, nurse, chiropractor, or hospital to serve a  
23 written notice upon the person or corporation from whom damages

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

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

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

17 Sec. 2. Original section 52-401, Reissue Revised Statutes  
18 of Nebraska, is repealed.

19 Sec. 3. Since an emergency exists, this act takes effect  
20 when passed and approved according to law.