

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 220

Introduced By: Dierks, 40
Read first time: January 9, 2007
Committee: Judiciary

A BILL

1 FOR AN ACT relating to medical liens; to amend section 52-401,
2 Reissue Revised Statutes of Nebraska; to provide for liens
3 for chiropractors; to repeal the original section; and to
4 declare an emergency.

5 Be it enacted by the people of the State of Nebraska,

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

3 52-401. Whenever any person employs a physician,
4 chiropractor, nurse, or hospital to perform professional service or
5 services of any nature, in the treatment of or in connection with an
6 injury, and such injured person claims damages from the party causing
7 the injury, such physician, chiropractor, nurse, or hospital, as the
8 case may be, shall have a lien upon any sum awarded the injured person
9 in judgment or obtained by settlement or compromise on the amount due
10 for the usual and customary charges of such physician, chiropractor,
11 nurse, or hospital applicable at the times services are performed,
12 except that no such lien shall be valid against anyone coming under
13 the Nebraska Workers' Compensation Act.

14 In order to prosecute such lien, it shall be necessary for
15 such physician, chiropractor, nurse, or hospital to serve a written
16 notice upon the person or corporation from whom damages are claimed
17 that such physician, chiropractor, nurse, or hospital claims a lien
18 for such services and stating the amount due and the nature of such
19 services, except that whenever an action is pending in court for the
20 recovery of such damages, it shall be sufficient to file the notice of
21 such lien in the pending action.

22 A physician, chiropractor, nurse, or hospital claiming a
23 lien under this section shall not be liable for attorney's fees and
24 costs incurred by the injured person in securing the judgment,
25 settlement, or compromise, but the lien of the injured person's
26 attorney shall have precedence over the lien created by this section.

27 Upon a written request and with the injured person's

1 consent, a lienholder shall provide medical records, answers to
2 interrogatories, depositions, or any expert medical testimony related
3 to the recovery of damages within its custody and control at a
4 reasonable charge to the injured person.

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

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