

State of South Dakota

NINETY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2019

562B0016

HOUSE JUDICIARY ENGROSSED NO. **SB 70** - 2/25/2019

Introduced by: Senators Nelson, Bolin, Cronin, DiSanto, Foster, Heinert, Jensen (Phil), Maher, Monroe, Partridge, Rusch, Russell, Schoenbeck, Wiik, and Wismer and Representatives Johns, Anderson, Cwach, Dennert, Duba, Goodwin, Greenfield (Lana), Howard, Jensen (Kevin), Marty, Mulally, Otten (Herman), Pischke, Randolph, Rounds, Smith (Jamie), and Weis

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding hospital liens.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That chapter 44-12 be amended by adding a NEW SECTION to read:

4 If the hospital receives notification regarding the availability of a third-party payor of
5 healthcare benefits for the injured person, the hospital shall, before filing a lien under § 44-12-4,
6 submit to the payor for payment any reasonable and necessary charges for the treatment, care,
7 and maintenance of the injured person, to the extent permitted by law or by any applicable
8 contract, including a preferred provider contract or an insurance policy or plan.

9 If after filing a lien the hospital receives notification regarding the availability of a
10 third-party payor of healthcare benefits for the injured person, the hospital shall submit to the
11 payor for payment any reasonable and necessary charges for the treatment, care, and
12 maintenance of the injured person, to the extent permitted by law or by any applicable contract,
13 including a preferred provider contract or an insurance policy or plan.



1 The hospital shall submit such charges to the payor in the same amounts and upon the same
2 terms and conditions under which it submits charges for patients who do not have a claim
3 against another for damages caused by an injury.

4 If the period prescribed by law or by contract for submitting such charges to the payor has
5 expired through no fault of the hospital or if the payor has refused to pay the charges, the
6 hospital may file a lien or enforce an existing lien.

7 Section 2. That § 44-12-1 be amended to read:

8 44-12-1. ~~Any~~ Subject to section 1 of this Act, a person, association, limited liability
9 company, corporation, county, or other institution, including a municipal corporation,
10 maintaining a hospital licensed under the laws of ~~the State of South Dakota~~ this state that
11 furnishes hospitalization or other service of any other nature in the treatment of or in connection
12 with an injury not covered by ~~the Workers' Compensation Act~~ under title 62, if the injured party
13 asserts or maintains a claim against another for damages on account of the injury, has a lien
14 upon that part going or belonging to the injured party of any recovery or sum had or collected
15 or to be collected by the injured party, or by the injured party's heirs or personal ~~representatives~~
16 representative in case of the injured party's death, whether by judgment or by settlement or
17 compromise to the amount of the reasonable and necessary charges of the hospital for the
18 treatment, care, and maintenance of the injured party in the hospital up to the date of payment
19 of the damages.