

# State of South Dakota

NINETY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2019

562B0016

## SENATE BILL NO. 70

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 Before any lien under § 44-12-1 may be created, the hospital shall submit for payment any  
5 reasonable and necessary charge for the treatment, care, and maintenance of the injured person  
6 to the person's health insurance provider, which may include Medicare or a Medicare  
7 supplement. The hospital shall submit any charge under this section in the same manner as those  
8 for any person whose injury is not subject to the provisions of § 44-12-1. If a health insurance  
9 provider is not identified by or on behalf of the injured person, the hospital may create a lien  
10 under § 44-12-1.

11 Section 2. That chapter 44-12 be amended by adding a NEW SECTION to read:

12 If a hospital creates a lien under § 44-12-1 and a health insurance provider is subsequently  
13 identified by or on behalf of the injured person, the hospital shall submit for payment any



1 reasonable and necessary charge for the treatment, care, and maintenance of the injured person  
2 to the identified health insurance provider in the same manner as those for any person whose  
3 injury is not subject to the provisions of § 44-12-1.

4 Section 3. That § 44-12-1 be amended to read:

5 44-12-1. ~~Any~~ Subject to the provisions of sections 1 and 2 of this Act, a person, association,  
6 limited liability company, corporation, county, or other institution, including a municipal  
7 corporation, maintaining a hospital licensed under the laws of ~~the State of South Dakota~~ this  
8 state that furnishes hospitalization or other service of any other nature in the treatment of or in  
9 connection with an injury not covered by ~~the Workers' Compensation Act~~ under title 62, if the  
10 injured party asserts or maintains a claim against another for damages on account of the injury,  
11 has a lien upon that part going or belonging to the injured party of any recovery or sum had or  
12 collected or to be collected by the injured party, or by the injured party's heirs or personal  
13 ~~representatives~~ representative in case of the injured party's death, whether by judgment or by  
14 settlement or compromise to the amount of the reasonable and necessary charges of the hospital  
15 for the treatment, care, and maintenance of the injured party in the hospital up to the date of  
16 payment of the damages.