

# State of South Dakota

NINETY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2019

562B0016

## SENATE HEALTH AND HUMAN SERVICES ENGROSSED NO. **SB 70** - 2/8/2019

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