

1 AN ACT to amend certain Acts in relation to liens.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Clinical Psychologists Lien Act is
5 amended by changing Section 1 as follows:

6 (770 ILCS 10/1) (from Ch. 82, par. 551)

7 Sec. 1. Every licensed clinical psychologist practicing
8 in this State who renders psychological diagnostic or
9 treatment services or treatment services related to the
10 psychological aspects of physical illness to injured persons
11 shall have a lien upon all claims and causes of action for
12 the amount of his reasonable charges up to the date of
13 payment of such damages. However, the total amount of all
14 liens under this Act, the Dentists Lien Act, the Emergency
15 Medical Services Personnel Lien Act, the Home Health Agency
16 Lien Act, the Hospital Lien Act, the Physical Therapist Lien
17 Act, the Physicians Lien Act, and subrogation claims shall
18 not exceed 1/3 of the sum paid or due to the injured person
19 based on a claim or right of action. The lien shall also
20 include a written notice containing the name and address of
21 the injured person, the date of the injury, the name and
22 address of the licensed clinical psychologist practicing in
23 this State, and the name of the party alleged to be liable to
24 make compensation to such injured person for the injuries
25 received. Such notice shall be served on both the injured
26 person and the party against whom such claim or right of
27 action exists. Service shall be made by registered or
28 certified mail or in person.

29 (Source: P.A. 86-672.)

30 Section 10. The Dentists Lien Act is amended by changing

1 Section 1 as follows:

2 (770 ILCS 20/1) (from Ch. 82, par. 121)

3 Sec. 1. Every licensed dentist practicing in this State
4 who renders services by way of treatment to injured persons,
5 except services rendered under the provisions of the Workers'
6 Compensation Act or the Workers' Occupational Diseases Act,
7 shall have a lien upon all claims and causes of action for
8 the amount of his reasonable charges up to the date of
9 payment of such damages.

10 Provided, however, that the total amount of all liens
11 under this Act, the Clinical Psychologists Lien Act, the
12 Emergency Medical Services Personnel Lien Act, the Home
13 Health Agency Lien Act, the Hospital Lien Act, the Physical
14 Therapist Lien Act, the Physicians Lien Act, and subrogation
15 claims hereunder shall not exceed 1/3 of the sum paid or due
16 to the injured person on the claim or right of action, and
17 provided further, that the lien shall in addition include a
18 notice in writing containing the name and address of the
19 injured person, the date of the injury, the name and address
20 of the licensed dentist practicing in this State, and the
21 name of the party alleged to be liable to make compensation
22 to such injured person for the injuries received, which
23 notice shall be served on both the injured person and the
24 party against whom such claim or right of action exists.

25 Notwithstanding any other provision of this Act, payment
26 in good faith to any person other than the dentist claiming
27 or asserting such lien prior to the service of such notice of
28 lien shall, to the extent of the payment so made, bar or
29 prevent the creation of an enforceable lien.

30 Service shall be made by registered or certified mail or
31 in person.

32 (Source: P.A. 81-992.)

1 Section 15. The Emergency Medical Services Personnel
2 Lien Act is amended by changing Section 5 as follows:

3 (770 ILCS 22/5)

4 Sec. 5. Elements of the lien. Every person certified or
5 authorized under the Emergency Medical Services (EMS) Systems
6 Act to provide emergency medical services shall have a lien
7 upon all claims and causes of action for the amount of his or
8 her reasonable charges up to the date of payment of such
9 damages. However, the total amount of all liens under this
10 Act, the Clinical Psychologists Lien Act, the Dentists Lien
11 Act, the Home Health Agency Lien Act, the Hospital Lien Act,
12 the Physical Therapist Lien Act, the Physicians Lien Act, and
13 subrogation claims shall not exceed 1/3 of the sum paid or
14 due to the injured person based on a claim or right of
15 action. The lien shall also include a written notice
16 containing the name and address of the injured person, the
17 date of the injury, the name and address of the person
18 certified or authorized under the Emergency Medical Services
19 (EMS) Systems Act to provide emergency medical services, and
20 the name of the party alleged to be liable to make
21 compensation to the injured person for the injuries received.
22 The notice shall be served on both the injured person and the
23 party against whom the claim or right of action exists.
24 Service shall be made by registered or certified mail or in
25 person.

26 (Source: P.A. 87-978.)

27 Section 20. The Home Health Agency Lien Act is amended
28 by changing Section 2 as follows:

29 (770 ILCS 25/2) (from Ch. 82, par. 302)

30 Sec. 2. Every home health agency licensed under the Home
31 Health Agency Licensing Act shall have a lien upon all such

1 claims and causes of action of an injured person for the
2 amount of its reasonable charges up to the date of payment of
3 such damages.

4 However, the total amount of all liens under this Act,
5 the Clinical Psychologists Lien Act, the Dentists Lien Act,
6 the Emergency Medical Services Personnel Lien Act, the
7 Hospital Lien Act, the Physical Therapist Lien Act, the
8 Physicians Lien Act, and subrogation claims hereunder shall
9 not exceed one-third of the sum paid or due to the injured
10 person on the claim or right of action, provided that if the
11 injured person is a minor at the time of the settlement or
12 adjudication the court may reduce the percentage of such
13 awards subject to liens under this Act. The lien shall, in
14 addition, include a notice in writing containing the name and
15 address of the injured person, the date of the injury, the
16 name and address of the home health agency, and the name of
17 the party alleged to be liable to make compensation to such
18 injured person for the injuries received, which notice shall
19 be served on both the injured person and the party against
20 whom such claim or right of action exists.

21 Service shall be made by registered mail or in person.

22 (Source: P.A. 84-508.)

23 Section 25. The Hospital Lien Act is amended by
24 changing Section 1 as follows:

25 (770 ILCS 35/1) (from Ch. 82, par. 97)

26 (Text of Section WITHOUT the changes made by P.A. 89-404,
27 which has been held unconstitutional)

28 Sec. 1. Lien created; notice required. Every hospital
29 rendering service in the treatment, care and maintenance, of
30 such injured person shall have a lien upon all such claims
31 and causes of action for the amount of its reasonable charges
32 at ward rates in such hospital up to the date of payment of

1 such damages.

2 Provided, however, that the total amount of all liens
 3 under this Act, the Clinical Psychologists Lien Act, the
 4 Dentists Lien Act, the Emergency Medical Services Personnel
 5 Lien Act, the Home Health Agency Lien Act, the Physical
 6 Therapist Lien Act, the Physicians Lien Act, and subrogation
 7 claims hereunder shall not exceed one-third of the sum paid
 8 or due to said injured person on said claim or right of
 9 action, and provided further, that said lien shall in
 10 addition include a notice in writing containing the name and
 11 address of the injured person, the date of the injury, the
 12 name and address of the hospital, and the name of the party
 13 alleged to be liable to make compensation to such injured
 14 person for the injuries received, shall be served on both the
 15 injured person and the party against whom such claim or right
 16 of action exists.

17 Service shall be made by registered mail or in person.
 18 (Source: P.A. 89-280, eff. 1-1-96; parts of 89-626, eff.
 19 8-9-96, not derived from 89-404.)

20 Section 30. The Physical Therapist Lien Act is amended
 21 by changing Section 2 as follows:

22 (770 ILCS 75/2) (from Ch. 82, par. 602)

23 Sec. 2. Every licensed physical therapist practicing in
 24 this State who provides services by way of treatment to
 25 injured persons, except services rendered under the
 26 provisions of the Workers' Compensation Act or the Workers'
 27 Occupational Diseases Act, shall have a lien upon all claims
 28 and causes of action for the amount of his reasonable charges
 29 up to the date of payment of such damages. However, the
 30 total amount of all liens under this Act, the Clinical
 31 Psychologists Lien Act, the Dentists Lien Act, the Emergency
 32 Medical Services Personnel Lien Act, the Home Health Agency

1 Lien Act, the Hospital Lien Act, the Physicians Lien Act, and
2 subrogation claims shall not exceed 1/3 of the sum paid or
3 due to the injured person based on a claim or right of
4 action. The lien shall also include a written notice
5 containing the name and address of the injured person, the
6 date of the injury, the name and address of the licensed
7 physical therapist practicing in this State, and the name of
8 the party alleged to be liable to make compensation to the
9 injured person for the injuries received. The notice shall
10 be served on both the injured person and the party against
11 whom such claim or right of action exists. Service shall be
12 made by registered or certified mail or in person.

13 (Source: P.A. 87-312.)

14 Section 35. The Physicians Lien Act is amended by
15 changing Section 1 as follows:

16 (770 ILCS 80/1) (from Ch. 82, par. 101.1)

17 Sec. 1. Every licensed physician practicing in this State
18 who renders services by way of treatment to injured persons,
19 except services rendered under the provisions of the Workers'
20 Compensation Act or the Workers' Occupational Diseases Act,
21 shall have a lien upon all claims and causes of action for
22 the amount of his reasonable charges up to the date of
23 payment of such damages.

24 Provided, however, that the total amount of all liens
25 under this Act, the Clinical Psychologists Lien Act, the
26 Dentists Lien Act, the Emergency Medical Services Personnel
27 Lien Act, the Home Health Agency Lien Act, the Hospital Lien
28 Act, the Physical Therapist Lien Act, and subrogation claims
29 hereunder shall not exceed 1/3 of the sum paid or due to the
30 injured person on the claim or right of action, and provided
31 further, that the lien shall in addition include a notice in
32 writing containing the name and address of the injured

1 person, the date of the injury, the name and address of the
2 licensed physician practicing in this State, and the name of
3 the party alleged to be liable to make compensation to such
4 injured person for the injuries received, which notice shall
5 be served on both the injured person and the party against
6 whom such claim or right of action exists.

7 Notwithstanding any other provision of this Act, payment
8 in good faith to any person other than the physician claiming
9 or asserting such lien prior to the service of such notice of
10 lien shall, to the extent of the payment so made, bar or
11 prevent the creation of an enforceable lien.

12 Service shall be made by registered or certified mail or
13 in person.

14 (Source: P.A. 81-992.)

15 Section 99. Effective date. This Act takes effect on
16 June 1, 2003.