



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5823

Introduced 2/16/2012, by Rep. André M. Thapedi

#### SYNOPSIS AS INTRODUCED:

770 ILCS 23/30  
770 ILCS 23/45  
770 ILCS 23/50 new

Amends the Health Care Services Lien Act. Provides that a petition filed by the injured person or the health care professional or health care provider may be served upon the interested adverse parties by personal service, substitute service, or registered or certified mail. Provides that if health insurance or private or public benefits are available to pay a medical bill, the lien of a health care professional or health care provider is limited to the rates established by the private or public fund. Provides that if a lien, claim, or subrogation claim arising out of the payment of medical expenses exists with respect to a claim for personal injuries or death and the claimant's recovery is diminished by comparative fault or the uncollectibility of the full claim for personal injuries or death resulting from limited liability insurance or any other cause, the lien or claim shall be diminished in the same proportion as the claimant's recovery is diminished. Provides that the holder of the lien or claim shall bear a pro rata share of the claimant's attorney's fees and litigation expenses and shall be barred from pursuing any claim for the unpaid balance.

LRB097 16924 AJO 62112 b

1 AN ACT concerning civil law.

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

4 Section 5. The Health Care Services Lien Act is amended by  
5 changing Sections 30 and 45 and by adding Section 50 as  
6 follows:

7 (770 ILCS 23/30)

8 Sec. 30. Adjudication of rights. On petition filed by the  
9 injured person or the health care professional or health care  
10 provider and on the petitioner's written notice to all  
11 interested adverse parties, the circuit court shall adjudicate  
12 the rights of all interested parties and enforce their liens.

13 A petition filed under this Section may be served upon the  
14 interested adverse parties by personal service, substitute  
15 service, or registered or certified mail.

16 (Source: P.A. 93-51, eff. 7-1-03.)

17 (770 ILCS 23/45)

18 Sec. 45. Amounts not recovered under lien.

19 (a) Subject to subsection (b) of this Section, nothing  
20 ~~Nothing~~ in this Act shall be construed as limiting the right of  
21 a health care professional or health care provider, or  
22 attorney, to pursue collection, through all available means, of

1 its reasonable charges for the services it furnishes to an  
2 injured person. Subject to subsection (b) of this Section  
3 ~~Notwithstanding any other provision of law,~~ a lien holder may  
4 seek payment of the amount of its reasonable charges that  
5 remain not paid after the satisfaction of its lien under this  
6 Act.

7 (b) If health insurance, a health plan, or private or  
8 public benefits are available to pay a medical bill, the lien  
9 of the health care professional or health care provider shall  
10 be limited to the rates established by the private or public  
11 fund.

12 (Source: P.A. 93-51, eff. 7-1-03.)

13 (770 ILCS 23/50 new)

14 Sec. 50. Subrogation liens. If a subrogation claim or other  
15 lien or claim that arises out of the payment of medical  
16 expenses or other benefits exists with respect to a claim for  
17 personal injuries or death and the claimant's recovery is  
18 diminished:

19 (1) by comparative fault; or

20 (2) by reason of the uncollectibility of the full value  
21 of the claim for personal injuries or death resulting from  
22 limited liability insurance or from any other cause;  
23 the lien or claim shall be diminished in the same proportion as  
24 the claimant's recovery is diminished. The party holding the  
25 lien or claim shall bear a pro rata share of the claimant's

1 attorney's fees and litigation expenses and shall be barred  
2 from pursuing any claim for the unpaid balance.