



Rep. André M. Thapedi

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09700HB5823ham002

LRB097 16924 AJ0 67502 a

1 AMENDMENT TO HOUSE BILL 5823

2 AMENDMENT NO. _____. Amend House Bill 5823 by replacing
3 everything after the enacting clause with the following:

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.)

1 (770 ILCS 23/45)

2 Sec. 45. Amounts not recovered under lien.

3 (a) Subject to subsection (b) of this Section, nothing
4 ~~Nothing~~ in this Act shall be construed as limiting the right of
5 a health care professional or health care provider, or
6 attorney, to pursue collection, through all available means, of
7 its reasonable charges for the services it furnishes to an
8 injured person. Subject to subsection (b) of this Section
9 ~~Notwithstanding any other provision of law,~~ a lien holder may
10 seek payment of the amount of its reasonable charges that
11 remain not paid after the satisfaction of its lien under this
12 Act.

13 (b) If health insurance, a health plan, or other private
14 benefits are available to pay a medical bill, the lien of the
15 health care professional or health care provider shall be
16 limited to the rates established by the health insurance,
17 health plan, or other private benefits. Notwithstanding any
18 other provision of this Act, this subsection (b) shall not
19 apply to a licensed long term care facility.

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

21 (770 ILCS 23/50 new)

22 Sec. 50. Subrogation claims. If a subrogation claim or
23 other right of reimbursement claim that arises out of the
24 payment of medical expenses or other benefits exists with

1 respect to a claim for personal injuries or death and the
2 claimant's recovery is diminished:

3 (1) by comparative fault; or

4 (2) by reason of the uncollectibility of the full value
5 of the claim for personal injuries or death resulting from
6 limited liability insurance or from any other cause;

7 the subrogation claim shall be diminished in the same
8 proportion as the claimant's recovery is diminished. The party
9 asserting the subrogation claim shall bear a pro rata share of
10 the claimant's attorney's fees and litigation expenses.

11 Notwithstanding any other provision of this Act, this Section
12 50 shall not apply to a licensed long term care facility."