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HOSPITAL LIEN LAWS IN ALL 50 STATES

The advent, development, and implementation of hospital and health care provider lien laws in the U.S. is a subject which has permeated civil litigation and personal injury law. Simply put, a hospital or health care provider lien is a statutory lien enacted for the benefit of hospitals or health care providers to assist them with the recovery of medical expenses associated with emergency medical treatment. Hospitals or other health care providers are generally allowed to perfect this special lien against any lawsuit, claim, or recovery a patient has against a third-party tortfeasor responsible for causing an injury. Hospital liens are also often referred to as “health care provider liens” or “medical liens.” For the sake of simplicity, we refer to them generically as “hospital liens.”

Hospital lien laws first began making an appearance during the 1930s in order to protect hospitals from the burden of treating uninsured and/or indigent patients and to provide a motivation to treat patients requiring emergency medical care even before they verify the existence of health insurance coverage. This original legislative intent of these lien statutes has gradually eroded—but not entirely disappeared—as the percentage of those covered by health insurance (9.3% in 1940) has grown exponentially. The most common scenario involving a hospital lien is when a person requires emergency medical treatment as the result of an automobile accident, and subsequently brings a claim against the responsible driver who caused the accident. Each state has different procedures and requirements for the establishment and enforcement of these liens. **Georgia** and **Texas**, for example, require the lien to be filed in specific courts. **California** and **Louisiana**, on the other hand, merely require that the lien be served on the interested parties by certified mail.

The **Texas** Hospital and Emergency Medical Services Lien statute (Tex. Prop. Code §§ 55.001 to 55.008), for example, requires a lien to be filed in the county where the hospital is located, but is still applicable to recoveries made in other counties, even if suit is not filed. The lien only applies if the patient is admitted to a hospital or if emergency medical services are provided within 72 hours of the accident. If the patient is transferred to another hospital, that hospital may also file a lien if the first hospital had the right to do so. The lien must state the name and address of the injured person and the date of the accident. It must also state the name and address of the hospital as well as the name of the at-fault party (if known). Once the lien is filed, the hospital must mail notice of the lien to the injured person or their legal representative. Once a hospital secures a valid lien, the hospital’s right to recovery is superior to the patient’s right of recovery. If transported by ambulance, an emergency medical services provider (EMS) can also assert a lien, but only in a county of 800,000 or less. The lien does not attach to uninsured/underinsured motorist benefits, Med Pay or PIP benefits, or workers’ compensation benefits. The amount of the lien is the lesser of (1) the amount of the hospital’s charges during the first 100 days, or (2) 50% of all amounts recovered by the patient through a cause of action, judgment, or settlement. It also includes a doctor’s reasonable charges during the first seven (7) days. Every state is different. Some states liberally enforce these laws so that technical deficiencies in establishing or seeking enforcement do not defeat recovery by the hospital. Other states are less likely to ignore such deficiencies.

Perfecting Hospital Liens

States differ on their procedures, but a hospital lien is generally perfected by filing with the county clerk, the district court, or other government body specified in the hospital lien statute, written notice of the name and address of the patient, the third-party tortfeasor (if known), the liability carrier (if known), the name and address of the hospital, and the amount of the lien. Once a notice of hospital lien is filed in the county where the hospital is located, the district court/clerk is usually required to maintain a hospital lien docket that can easily be searched, and in which any hospital lien claim filed is entered. The district court usually lists the name of the injured person, the name of the person, firm, or corporation alleged to be liable for the injuries and damages, the date and place of the accident, and the name of the hospital or other institution making the claim. The district court also often maintains an index of the hospital lien docket under the name of the injured person. Hospitals are often then required to send, by certified mail or other means, written notice of the lien filing to the patient, the third-party tortfeasor, and/or the liability carrier.

Hospital liens vary widely from state to state. These variations include such things as whether or not the lien applies to workers' compensation claims and/or wrongful death claims. Some states (*e.g.*, **Tennessee**) limit the percentage of the total settlement that can be recovered under a hospital lien when the patient is not "made whole" by the third-party settlement. Other states (*e.g.*, **New York** and **Alabama**) require that the treatment occur within a certain time frame in relation to the accident which caused the injury in order for the lien to be able to apply to medical expenses incurred as a result. In other states, if an attorney requests a copy of a client's bill and/or medical records, that documentation must be provided free of charge to the attorney, possibly within a limited period of time, or the lien is not valid.

The hospital lien laws of thirty-two (32) states provide that an attorney's lien/fee takes precedent over the hospital lien. These include **AL, AK, AZ, AR, GA, ID, IN, IA, KS, LA, ME, MD, MA, MN, MO, MT, NE, NV, NM, NY, NC, OK, OR, RI, SD, TN, TX, UT, VT, VA, WI**, and the District of Columbia. Five (5) states' statutes provide that the hospital lien takes precedence over all other liens (**CA, DE, CT, NJ, NH**). Other states, like **Vermont**, provide that the hospital lien cannot take more than two-thirds (2/3) of the total third-party settlement or \$500, whichever is higher, after attorneys' fees. Twenty-four (24) states have legislated that hospital liens cannot be recovered from workers' compensation settlements. Yet other states (*e.g.*, **New Jersey**) subordinate a physician's or dentist's lien cannot claim more than 25% of the third-party recovery remaining after a hospital lien has been repaid.

The amount asserted in a hospital lien has also become a point of contention across the country and varies from state to state. While the law in every jurisdiction allowed plaintiffs in personal injury lawsuits to recover the "*reasonable value*" of the medical services *incurred*, defendants have begun to argue that such medical expenses are neither "reasonable" nor "incurred" by the plaintiff because they were paid by a **collateral source** (*e.g.*, private health insurance, state Medicaid, Medicare, workers' compensation, governmental assistance programs, etc.). A "collateral source" is benefits received by the plaintiff from a source wholly independent of any collateral to the wrongdoer. The defendants argue that the medical bills are not "reasonable" because they were reduced or written off by the insurance provider, who accepted insurance payments; thus, defendants argue that the injured plaintiff's reasonable medical expenses and damages should be limited to sums "actually paid" by the insurer and proof of the full medical charges that were billed (either written-off or paid by insurance) should be excluded. Proving the reasonable value of medical services has become both controversial and confusing; and every state has gone its own way in dealing with the issue. For a chart covering the subject of the amount of medical expenses that can be introduced into evidence and/or recovered in personal injury civil litigation—amount charged, amount paid by the patient or a collateral source (such as workers' compensation or health insurance), or some other amount—in all 50 states, see [HERE](#).

Another growing area of controversy is the utilization of hospital lien filings even before the medical expenses are presented to the patient's commercial health insurance company/plan. The purpose of this is that it can assert a lien for the full "retail" reasonable and necessary medical expenses, as opposed to the discounted amount it is limited in recovering from the health insurance company/plan. Some claimed hospitals were "gaming the system" by lying in wait and relying on hospital liens, because they netted a higher reimbursement than submitting them to the health insurance company/plan. In other words, some claimed that hospitals were using the hospital lien system—originally intended to make sure hospitals got paid after treating uninsured accident victims—as a sword, rather than a shield.

Assignment of Benefits

Doctors, hospitals, and other health care providers often requires patients to execute an “Assignment of Benefits” (AOB) agreement as part of the paperwork that is signed when a patient is first admitted to a hospital or otherwise treated. An AOB is an agreement that, once signed, transfers the insurance claims rights and benefits of the policy from the member (that’s you) to a third party (*e.g.*, a hospital). An AOB gives that third party the authority to file a claim, collect insurance payments, pursue third-party tortfeasors, and even file lawsuits without the involvement or awareness of the policyholder and patient. In some cases, a hospital might not file on the patient’s health insurance and instead assert a lien on the patient’s personal injury settlement. AOB agreements are somewhat controversial but are essential to a hospital’s or health care provider’s practice. They help ensure that the provider has a right to payment from the patient’s health insurer. An AOB authorizes a health insurance company/plan or its third-party administrator to make payments directly to the treating medical provider. Essentially, the patient is “assigning” their right to receive payment for medical benefits under the health insurance policy or plan. In many states, there is a distinction between the assignment of a claim for personal injury and the assignment of the proceeds of such a claim. The assignment of a claim gives the assignee control of the claim and promotes champerty. Such a contract is against public policy and void in some states. The assignment of the proceeds of a claim does not give the assignee control of the case and is valid in many states. There are limitations on such contracts, however. For example, in **North Carolina**, an *assignment of benefits* contract stands on equal footing with a medical lien, and the provider cannot recover more under the contract than it could under the medical lien statutes. *Smith v. State Farm Mut. Auto. Ins. Co.*, 358 N.C. 725 (N.C. 2004).

Statewide Uniform Lien Laws

Forty-two (42) states have statewide uniform lien laws covering the entire state. **Florida, Kentucky, Michigan, Mississippi** (repealed in 1989), **Ohio, Pennsylvania, South Carolina, West Virginia**, and **Wyoming** are the only states without statewide lien law provisions. These states do not currently have a statute with a general “medical lien” provision that establishes a statutory foundation for all health care providers and institutions to file liens in the state. For example, **Florida** does not have a comprehensive state hospital lien statute. Florida grants the autonomy to enact hospital lien statutes to the individual counties within the State of Florida. Some Florida counties allow liens for non-profit hospitals, while others allow them for all hospitals.

In certain states, such as **Delaware** and **Wisconsin**, the hospital lien statute only applies to charitable hospitals.

Most states have enacted their own statutes or “Acts” relative to hospital liens. For example, in 2003, in an effort to organize a variety of state lien laws, **Illinois** enacted the Health Care Services Lien Act (HCSLA). It consolidated the following pre-existing statutes:

- (1) Hospital Lien Act 770 I.L.C.S. § 35;
- (2) Physician’s Lien Act 770 I.L.C.S. § 80;
- (3) Emergency Medical Services Lien Act 770 I.L.C.S. § 22;
- (4) Physical Therapist Lien Act 770 I.L.C.S. § 75;
- (5) Home Health Agency Lien Act 770 I.L.C.S. § 25;
- (6) Dentists’ Lien Act 770 I.L.C.S. § 20;
- (7) Optometrist Lien Act 770 I.L.C.S. § 72; and
- (8) Clinical Psychologist’s Lien Act 770 I.L.C.S. § 10.

The Illinois Act provides for two classes of liens, one for “healthcare professionals” and one for “healthcare providers.” The Act applies to the rendering of health services, except those made under the Workers’ Compensation Act or the Occupational Disease Act. The Act requires the injured person to give notice to any party holding a lien. The HCSLA (§ 23/10(c)) limits the total amount of all liens of health care providers to 40% of the damages paid to the plaintiff. 770 I.L.C.S. § 23/10(a). The lienholder has to provide notice to the plaintiff and defendant in a third-party action and the Act provides that the recovery for multiple liens in the same class (professionals or providers) must be proportionate such that neither class receives more than one-third (1/3) of the total recovery. 770 I.L.C.S. § 23/10(c). When the total amount of liens is equal to or greater than 40% of the complete recovery:

- (1) All liens of health care professionals may not exceed 20% of the settlement or verdict; and
- (2) All liens of health care providers may not exceed 20% of the settlement or verdict.

The practical effect of the Illinois Act was that if the total of all medical liens were reduced to 40% of the verdict or settlement, and the attorney’s lien was reduced to 30%, there would still be money available to go to the injured party.

About the only uniformities we find throughout the states with dedicated hospital lien laws is that a hospital will have one (1) year in which liability will attach to any party who has been given proper notice of the lien, and that generally the hospital liens will not attach to any workers’ compensation benefits owed to an injured party.

The following is a chart providing a summary of the hospital lien laws in all 50 states. It is a summary only and a more in-depth review of a state’s particular lien laws should be undertaken by contacting an attorney. For more information on hospital lien laws and their enforcement, contact Gary Wickert at gwickert@mwl-law.com or Mark Solomon at msolomon@mwl-law.com.

STATE	STATUTE	PERFECTING LIEN	COMMENTS
ALABAMA	Alabama Property Code §§ 35-11-370 – 375. Lien Declared.	<p>To perfect a lien in Alabama, the hospital must:</p> <p>(1) Before or within 10 days of discharge of patient, file in the office of the judge of probate in the county where the cause of action accrued, a verified statement setting forth the name, address, dates of admission and discharge, amount claimed to be owed, and to the best of the hospital’s knowledge, name and address of all persons, firms, or corporations who may be liable for the damages from the treated injuries. § 35-11-371.</p> <p>(2) Within one day of filing the lien, the hospital must send by certified mail, a copy of the lien filing to each person, firm, or corporation so claimed to be liable for the damages. The notice must also be sent to the patient, guardian or personal representative to the address given at admission. The filing of the notice acts as a notice to all parties, known or unknown, at the time of the filing of the lien. § 35-11-371.</p>	<p>The hospital’s lien attaches to all reasonable charges for hospital care, treatment, and maintenance of an injured person who entered such hospital within one week of sustaining injuries. § 35-11-370.</p> <p>The lien attaches to all judgments, settlements, and settlement agreements entered into by the injured party for the actions related to the injuries for which treatment was sought. § 35-11-372.</p> <p>The lien does not attach to any real or personal property of the injured party.</p> <p>The lien does not attach to any workers’ compensation benefits.</p> <p>The hospital has no independent right to assert a cause of action against any potential responsible party.</p> <p>If injured party settles their claim within the 10-day period the hospital has to perfect the lien, the lien is not waived unless the hospital signs a release of their lien. If the hospital does not sign off on the lien during the 10-day period, the hospital is entitled to bring a civil action for damages and is entitled to seek recovery of court costs and attorneys’ fees. § 35-11-372.</p>

STATE	STATUTE	PERFECTING LIEN	COMMENTS
ALASKA	Alaska St. Art. §§ 34.35.450 – 482 Hospital, Physician, and Nurse Liens.	<p>To perfect a lien in Alaska, a hospital, physician, or nurse must:</p> <p>(1) Before or within 90 days after discharge of the injured party, file a notice of the lien in the form prescribed in § 34.35.465. It must contain a general description of the services rendered and a statement of the amount claimed. It must be filed with a recorder’s office. § 34.35.460.</p> <p>(2) After the 90-day period, but before the date of judgment, settlement, or compromise, serve a copy of the notice of line via certified mail to last known address of alleged responsible party and upon their insurer, if known. § 34.35.460.</p>	<p>§ 34.35.465 gives a specific form that must be utilized.</p> <p>Treatment must have occurred within 20 days of the date of the injury. § 34.35.455.</p> <p>Costs and attorneys’ fees are recoverable for the enforcement of the lien. § 34.35.480.</p> <p>If the injured party’s claim is resolved, the hospital has only 180 days to bring its cause of action against the injured party or their insurer. § 34.35.475.</p>
ARIZONA	Arizona Revised Statutes §§ 33-931 – 936 Health Care Provider Liens.	<p>In order to protect a lien in Arizona, the executive officer, licensed health care provider or agent of a health care provider shall:</p> <p>(1) Before or within 30 days of discharge, record in the office of the recorder of the county where the provider is located, a verified statement in writing setting forth name and address of patient as it appears on provider’s records; name and location of provider; name and address of executive officer or agent of provider; dates or range of dates of services provided by provider; amount due; for providers other than hospitals or ambulance services, to the best of their knowledge, name and address of all persons, firms, corporations and their insurance carriers who may be liable for injuries for which the injured party received treatment. § 33-932(A).</p> <p>(2) The claimant must mail, within five days of recording the lien, a copy of the lien to the injured party. For providers other than hospitals or ambulance services, the claimant shall also mail a copy of the lien to all persons, firms, corporations and their insurance carriers who may be liable for the injuries for which the injured party received treatment. § 33-932(C).</p>	<p>A hospital or ambulance service lien that is not recorded within the time prescribed in § 33-932(A) is still effective against any settlement or judgment if the lien is recorded 30 days before the settlement is agreed to or the judgment is paid unless the lien is recorded in a county where liens are accessible on the internet. In those counties, if the lien is not recorded or accessible on the internet at least 30 days before the settlement is agreed to or the judgment is paid, the lien may not be enforced. § 33-932(D).</p> <p>The recording of a lien by a hospital serves as notice to all parties who may be liable, whether or not they are named in the lien. § 33-932(C).</p> <p>The lien does not attach to any workers’ compensation benefits. § 33-935.</p> <p>A release of claims on which an assignment or lien is given is not valid or effective unless the lienholder executes a release of that lien. § 33-934.</p> <p>Once a lien has been satisfied, the lienholder must issue a release of lien or be subject to liability of \$100 plus actual damages. § 33-936.</p>

STATE	STATUTE	PERFECTING LIEN	COMMENTS
ARKANSAS	<p>A.C.A. §§ 18-46-101 – 117.</p> <p>Medical, Nursing, Hospital, and Ambulance Service Lien Act.</p>	<p>In order to establish a lien in Arkansas, a practitioner, nurse, hospital, or ambulance service shall:</p> <p>(1) Serve on the patient a written notice of claim or serve a copy on the tortfeasor or the insurer, if any, or at their discretion, serve notice on both. The notice shall also file a copy of the notice in the office of the county clerk of the circuit court where the services were rendered. The notice may be served and recorded at any time while services are being rendered and at any time after the discontinuance of serve so long as the claim of the provider is not barred by the statute of limitations. § 18-46-105(1)(A).</p> <p>(2) If the provider has knowledge of a suit by the patient against a tortfeasor or insurer, the provider must file notice, under oath, of the claim in the court where the action is pending. The filing of this notice shall be notice to all parties to the action, without further need to record the lien in the office of the clerk of the circuit court. § 18-46-105(1)(B).</p> <p>(3) The notice must contain: name and address of tortfeasor, and if a lien is asserted against an insurer, name and address of insurer; name and address of patient; name and address of person claiming the lien, and their role as a provider; time, place, and circumstances under which the tortfeasor caused the injuries and nature of the injuries; if the services have been completed, amount being claimed. § 18-46-105(2)(A).</p> <p>(4) The notice shall be supported by affidavit. § 18-46-105(2)(B).</p> <p>(5) If the services have not been completed when the lien is served, the provider must serve a supplemental notice within 60 days of termination of service. § 18-46-105(1)(C).</p> <p>(6) Notice must be served by personal service or left with someone of mature years at their usual abode or place of employment or; delivered by registered mail to the last known address of the person to be notified, which must then be supported by affidavit. § 18-46-105(3)(A-B).</p>	<p>If after 180 days following the most recent notice of lien, the lien remains unsatisfied and no suit has been filed by the provider, the lien becomes invalid. § 18-46-106.</p> <p>A tortfeasor may not settle the third-party claim within 60 days of receiving notice of the lien, nor at any time after the lien has been recorded, unless the lien has been paid to the provider or has received written notice of a release of the lien. § 18-46-112.</p> <p>When a lien has been satisfied, a provider must give written release following a written demand. § 18-46-114.</p>

STATE	STATUTE	PERFECTING LIEN	COMMENTS
CALIFORNIA	California Civil Code §§ 3045.1 – 6. Hospital Liens.	To perfect a lien in California, a provider shall: (1) File a written notice containing name and address of injured person, date of accident, name and location of hospital, amount claimed as reasonable and necessary charges, and name and address of any party who may be liable for damages. (2) The notice must be sent certified mail to each potential liable party known to the hospital. The hospital must also deliver by registered mail notice to any known liability insurance carrier. § 3045.3.	The lien applies regardless of whether the damages are recovered by judgment, settlement, or compromise. § 3045.2. The hospital has one year from the date of payment to the injured party to enforce its lien by filing a lawsuit against any party who was given notice of the lien. § 3045.5.
COLORADO	Colorado Revised Statutes §§ 38-27-101 – 106. Hospital Liens.	To protect a lien in Colorado, a hospital must: (1) Submit all reasonable and necessary charges for hospital care or other services for payment to insurer and primary medical payer of benefits available to and identified by or on behalf of the injured person, in the same manner as used by the hospital for patients who are not injured as the result of a third-party's negligence. § 37-27-101(1). (2) Notice must include name and address of the injured party, date of accident, name and location of hospital, and name of alleged tortfeasor. § 37-27-102. (3) The notice is filed with the secretary of state. § 37-27-102. (4) Within 10 days of filing the notice, notice shall be sent certified mail to the tortfeasor, or their legal representative, as well as the tortfeasor's insurer. Notice can be satisfied if the notice is filed in any pending action. § 37-27-102.	A lien is not created until a hospital complies with the requirements of § 37-27-101. § 37-27-101(4). The filing of the lien must occur prior to any judgment, settlement, or compromise of the underlying claim. § 37-27-102. Until recently, hospital liens took precedence over all other liens. Effective August 9, 2017, attorneys' liens now take precedence over hospital liens. Colo. Rev. Stat. Ann. § 13-93-114.
CONNECTICUT	C.G.S.A. § 49-73. Liens on Accident and Liability Policies in Favor of Hospitals and Ambulance Services.	To protect a lien in Connecticut, a provider must: (1) Serve notice upon insurer by certified mail at its principal home office or any other branch office, if the company is located in the state, and upon the Insurance Commissioner if the insurer is located out of state. § 49-73 (a). (2) The notice shall contain name of the injured person, name of company issuing the policy, and amount expended and an estimate of the amount of services. § 49-73 (a).	There is no mention in the statute about serving notice on the tortfeasor directly. The lien does not attach to any workers' compensation benefits. § 49-73 (a).

STATE	STATUTE	PERFECTING LIEN	COMMENTS
DELAWARE	Delaware Code Title 25 §§ 4301 – 4306. Hospital Liens.	<p>A charitable organization shall file:</p> <p>(1) Notice shall be in writing, containing name and address of injured party, date of the accident, name and location of hospital, and if known, name of alleged responsible party. § 4302.</p> <p>(2) Copies must be sent by registered mail to the injured party and to all parties at interest. § 4302.</p> <p>(3) After notice is served, an affidavit by a competent person acting on behalf of the institution, setting forth such service, and all attempts to serve shall be filed in the office of the Prothonotary. § 4302.</p>	<p>Hospital liens only apply to charitable hospitals. § 4301.</p> <p>The lien will attach to any verdict, report, decision, decree, award, judgment, or final order made or rendered in any action in any court of record in Delaware. § 4303.</p> <p>Notice must be sent prior to the payment of any money from the responsible party to the injured party. § 4302.</p>
DISTRICT OF COLUMBIA	DC Code §§ 40-201 – 205. Hospital Liens.	<p>In D.C., no lien shall be effective unless:</p> <p>(1) Written notice containing name and address of injured person, date of incident, name and location of hospital, and name of person, firm, or corporation alleged to be liable to the injured party, shall be filed in the Office of the Recorder of Deeds of the District of Columbia in a docket provided for such liens, prior to the payment of any moneys to such injured person. § 40-202.</p> <p>(2) The hospital shall also mail a copy of such notice with a statement of the date of filing to person, firm, or corporation alleged to be liable to the injured party prior to the payment of any moneys to such injured person. The hospital shall also mail a copy of such notice to any insurer which has insured the responsible party, if known. § 40-202.</p>	<p>The lien does not attach to any workers' compensation benefits. § 40-201.</p>
FLORIDA	No overlying state statute in Florida.		<p>Hospital liens laws are enacted on a county-by-county basis in Florida. Not every county has a standing hospital lien law. Given that there are 67 counties in Florida, the list is too extensive to include on this chart.</p>

STATE	STATUTE	PERFECTING LIEN	COMMENTS
<p style="text-align: center;">GEORGIA</p>	<p>Georgia Code §§ 44-14-470 – 477. Hospitals and Nursing Homes.</p>	<p>In order to protect a lien in Georgia, a provider shall:</p> <p>(1) Not less than 15 days prior to the filing of the statement required by paragraph (2) of this act, provide written notice to patient, and to the best of their knowledge, the person, firm, corporations, and their insurers who may be liable for the injuries and shall contain a statement that the lien is not a lien against the patient or any other property or assets of patient, and is not evidence of patient’s failure to pay a debt. Notice shall be sent by first class and certified mail or statutory overnight delivery, return receipt requested. § 44-14-471(a)(1).</p> <p>(2) The hospital shall file in the office of the clerk of the superior court of the county where the provider is located and in the county wherein the patient resides, if a resident of Georgia, a verified statement setting forth name and address of the patient as it appears on the provider’s records, name and location of provider, dates of admission and discharge, and amount claimed to be owed. The statement must be filed during the following time period: (A) if statement is filed by a hospital, nursing home, or provider of traumatic burn care medical practice, then statement shall be filed within 75 days after person has been discharged from facility, or (B) if statement is filed by physician practice, then statement shall be filed within 90 days after person first sought treatment from physician practice for the injury. § 44-14-471(a)(2).</p>	<p>The filing of claim or lien shall be notice thereof to all persons, firms, or corporations liable for damages, whether or not they received written notice provided for in this Code section. Failure to perfect such lien by timely complying with notice and filing provisions of paragraphs (1) and (2) of subsection (a) of this Code section shall invalidate such lien, except as to any person, firm, or corporation liable for damages, which receives prior to date of any release, covenant not to bring action, or settlement, actual notice of a notice and filed statement made under subsection (a) of this Code section, via hand delivery, certified mail, return receipt requested, or statutory overnight delivery with confirmation of receipt. § 44-14-471(b).</p> <p>No release of the cause of action or of any judgment shall affect the lien unless the lienholder releases the lien. § 44-14-473.</p> <p>The lien does not attach to any workers’ compensation benefits. § 44-14-474.</p>
<p style="text-align: center;">HAWAII</p>	<p>Haw. Rev. Stat. § 507-4. Dentists, Doctors, Hospitals.</p>	<p>A hospital shall have a lien in Hawaii if:</p> <p>On such judgment or the proceeds thereof for the agreed or reasonable value of the services performed or the agreed or reasonable value of room, board, supplies, facilities, or accommodations furnished, if, before satisfaction of judgment is docketed, the dentist, doctor, physician, surgeon, or hospital files in the office of the chief clerk of the circuit court of the circuit in which the judgment was recovered, or, in the case of judgment recovered in a district court, in the office of the clerk of the district court of the circuit in which judgment was recovered, a notice setting forth agreed or reasonable value of services performed or the agreed or reasonable value of the room, board, supplies, facilities, or accommodations furnished. § 507-4.</p>	<p>A judgment debtor may choose to pay the amount of the judgment to the chief clerk of the Court in which the judgment is rendered, and thereby be release from any further obligation to the lien holder. §507-4.</p>

STATE	STATUTE	PERFECTING LIEN	COMMENTS
IDAHO	Idaho Stat. §§ 45-701 – 705. Hospital and Nursing Care Liens.	<p>In order to perfect a lien in Idaho:</p> <p>(1) An officer or agent of such hospital, before, or within 90 days after, such person shall have been discharged therefrom, shall file in the office of the recorder of the county in which such hospital shall be located a verified statement in writing setting forth the name and address of such patient, as it shall appear on records of such hospital, name and location of such hospital, and name and address of the officer or agent of such hospital filing the lien, dates of admission to and discharge of such patient therefrom, amount claimed to be due for such hospital care, and, to the best of claimant's knowledge, names and addresses of all persons, firms, or corporations claimed by such injured person or the legal representative of such person, to be liable for damages arising from such injuries. § 45-701.</p> <p>(2) Such claimant shall also, within one day after filing of such claim or lien, mail a copy thereof, postage prepaid, to each person, firm, or corporation claimed to be liable for such damages, at address so given in such statement. § 45-701.</p>	<p>The filing of such claim or lien shall be notice thereof to all persons, firms, or corporations liable for such damages, whether or not they are named in such claim or lien. § 45-701.</p> <p>No release of the cause of action or of any judgment shall affect the lien unless the lienholder releases the lien. § 45-704.</p> <p>The lien does not attach to any workers' compensation benefits. § 45-705.</p>

STATE	STATUTE	PERFECTING LIEN	COMMENTS
ILLINOIS	<p>Illinois Statute Chapter 770 §§ 23/1 – 23/999. Health Care Services Lien Act.</p>	<p>To properly protect a lien in Illinois:</p> <p>(1) The lien shall include a written notice containing name and address of injured person, date of the injury, name and address of health care professional or health care provider, and name of party alleged to be liable to make compensation to the injured person for injuries received. 770 § 23/10 (b).</p> <p>(2) The lien notice shall be served on both the injured person and party against whom the claim or right of action exists. Notwithstanding any other provision of this Act, payment in good faith to any person other than the healthcare professional or healthcare provider claiming or asserting such lien prior to the service of such notice of lien shall, to the extent of the payment so made, bar or prevent the creation of an enforceable lien. 770 § 23/10 (b).</p> <p>(3) Service shall be made by registered or certified mail or in person. 770 § 23/10 (b).</p>	<p>The total amount of all liens under this Act shall not exceed 40% of verdict, judgment, award, settlement, or compromise secured by or on behalf of the injured person on his or her claim or right of action. 770 § 23/10 (a).</p> <p>If total amount of all liens under this Act meets or exceeds 40% of verdict, judgment, award, settlement, or compromise, then: (1) all liens of health care professionals shall not exceed 20% of verdict, judgment, award, settlement, or compromise; and (2) all liens of health care providers shall not exceed 20% of verdict, judgment, award, settlement, or compromise; provided that health care services liens shall be satisfied to the extent possible for all health care professionals and health care providers by reallocating the amount unused within the aggregate total limitation of 40% for all health care services liens under this Act; and provided further that the amounts of liens under paragraphs (1) and (2) are subject to the one-third limitation under this subsection. 770 § 23/10 (c).</p> <p><i>Notice of judgment or award.</i> A judgment, award, settlement, or compromise secured by or on behalf of an injured person may not be satisfied without the injured person or their authorized representative first giving notice of judgment, award, settlement, or compromise to the health care professional or health care provider that rendered a service in treatment, care, or maintenance of injured person and that has served a lien notice pursuant to subsection (b) of § 10. The notice shall be in writing and served upon the lienholder or, in the case of a lienholder operated entirely by a unit of local government, upon the individual or entity authorized to receive service under § 2-211 of the Code of Civil Procedure. 770 § 23/15.</p> <p><i>Items to which lien attaches.</i> The lien of a health care professional or health care provider under this Act shall, from and after time of service of lien notice, attach to any verdict, judgment, award, settlement, or compromise secured by or on behalf of injured person. If verdict, judgment, award, settlement, or compromise is to be paid overtime by means of annuity or otherwise, any lien under this Act shall be satisfied by party obligated to compensate injured person to fullest extent permitted by § 10 before establishment of annuity or other extended payment mechanism. 770 § 23/20.</p>

STATE	STATUTE	PERFECTING LIEN	COMMENTS
INDIANA	I.C. §§ 32-33-4-1 – 8. Hospital Liens.	<p>To perfect a lien in Indiana:</p> <p>(1) The hospital must file for record in the office of the recorder of the county in which hospital is located, within 90 days after person is discharged or not later than the date of final settlement, compromise, or resolution of the cause of action, suit, or claim accruing to the patient, whichever occurs first, a verified statement in writing stating name and address of patient as it appears on records of hospital; name and address of the operator of hospital; dates of patient's admission to and discharge from hospital; amount claimed to be due for hospital care; and to the best of hospital's knowledge, names and addresses of anyone claimed by the patient or patient's legal representative to be liable for damages arising from patient's illness or injury. § 32-33-4-4.</p> <p>(2) Within 10 days after filing statement, the hospital shall send a copy by registered mail, postage prepaid: (a) to each person claimed to be liable because of the illness or injury at the address given in the statement; (b) to attorney representing patient if name of attorney is known or with reasonable diligence could be discovered by hospital; and (c) to the department of insurance as notice to insurance companies doing business in Indiana. § 32-33-4-4.</p> <p>(3) The filing of a claim under subsections (a) and (b) is notice to any person, firm, limited liability company, or corporation that may be liable because of illness or injury if the person, firm, limited liability company, or corporation: (1) receives notice under subsection (b); (2) resides or has offices in a county where the lien was perfected or in a county where the lien was filed in the recorder's office as notice under this subsection; or (3) is an insurance company authorized to do business in Indiana under I.C. §§ 27-1-3-20 and § 32-33-4-4.</p> <p>(4) A lien: (1) is effective under this chapter on the date a hospital complies with subsections (a) and (b); and (2) may not be made retroactive to any prior date. § 32-33-4-4.</p>	<p>The lien does not attach to any workers' compensation benefits. § 32-33-4-1.</p> <p>A lien perfected under § 4 of this chapter is valid unless the lienholder executes a release of the lien under § 7 of this chapter. § 32-33-4-6.</p> <p>The release or settlement of a claim with a patient by a person claimed to be liable for the damages incurred by the patient: (1) after a lien has been perfected under § 4 of this chapter; and (2) without obtaining a release of the lien; entitles the lienholder to damages for the reasonable cost of the hospital care, treatment, and maintenance. § 32-33-4-6.</p> <p>Satisfaction of a judgment rendered in favor of the lienholder under subsection (b) is satisfaction of the lien. An action by the lienholder must be brought in the court having jurisdiction of the amount of the lienholder's claim and may be brought and maintained in the county of residence of the lienholder. § 32-33-4-6.</p> <p>A person desiring to contest a lien or the reasonableness of the charges claimed by the hospital may do so by filing a motion to quash or reduce claim in the circuit court, superior court, or probate court in which the lien was perfected, making all other parties of interest respondents. § 32-33-4-4.</p>

STATE	STATUTE	PERFECTING LIEN	COMMENTS
IOWA	Iowa Code §§ 582.1 – 4. Hospital Lien.	<p>To protect a lien in Iowa, a provider must:</p> <p>(1) Provide written notice containing name and address of injured person, date of the accident, name and location of hospital, and name of person or persons, firm or firms, corporation or corporations alleged to be liable to the injured party for the injuries received. § 582.2.</p> <p>(2) Notice shall be filed in the office of the clerk of the district court of the county in which such hospital is located, prior to payment of any moneys to such injured person, the person's attorneys or legal representative, as compensation for such injuries. § 582.2.</p> <p>(3) The hospital shall also mail, postage prepaid, a copy of such notice with a statement of the date of filing thereof to person or persons, firm or firms, corporation or corporations alleged to be liable to the injured party for the injuries sustained prior to the payment of any moneys to such injured person, the person's attorneys or legal representative, as compensation for such injuries. § 582.2.</p> <p>(4) Such hospital shall mail a copy of such notice to any insurance carrier which has insured such person, firm or corporation against such liability, if name and address shall be known. § 582.2.</p> <p>(5) Such hospital shall also mail a copy of such notice to injured person or to injured person's attorney or legal representative, if known. § 582.2.</p>	A hospital that recovers from a judgment, verdict, or settlement pursuant to this chapter shall be responsible for the pro rata share of the legal and administrative expenses incurred in obtaining the judgment, verdict, or settlement. § 582.1A(5).

STATE	STATUTE	PERFECTING LIEN	COMMENTS
KANSAS	K.S.A. §§ 65-406 – 409. Lien of Operator.	<p>To protect a lien in Kansas, a provider must:</p> <p>(1) Provide written notice setting forth amount of all of the hospital’s claims, name of injured person, date of accident and name and location of hospital shall be filed in the office of the clerk of the district court of the county in which such hospital is located, prior to the payment of any moneys to such injured person, such person’s attorneys or legal representatives, as compensation for such injuries. § 65-407.</p> <p>(2) Such hospital shall also send, by registered or certified mail, a copy of such notice to such patient upon whom emergency medical or other service has been performed, if the address of such patient shall be known to the hospital or can with reasonable diligence be ascertained. § 65-407.</p>	<p>The lien does not attach to workers’ compensation benefits. § 65-406(b).</p> <p>In the event the claimed lien is for the sum of \$5,000 or less, it shall be fully enforceable as contemplated by subsection (a) of this section. In the event the claimed lien is for a sum in excess of \$5,000, the first \$5,000 of the claimed lien shall be fully enforceable as contemplated by subsection (a) of this section, and that part of the claimed lien in excess of \$5,000 shall only be enforceable to the extent that its enforcement constitutes an equitable distribution of any settlement or judgment under the circumstances. In the event the patient or such patient’s heirs or personal representatives and the hospital or hospitals cannot stipulate to an equitable distribution of a proposed or actual settlement or a judgment, the matter shall be submitted to the court in which the claim is pending, or if no action is pending then to any court having jurisdiction and venue of the injury or death claim, for determination of an equitable distribution of the proposed or actual settlement or judgment under the circumstances. § 65-406(c).</p>
KENTUCKY	No statutory provision in Kentucky.		Any lien that is asserted appears to be asserted via assignment.

STATE	STATUTE	PERFECTING LIEN	COMMENTS
LOUISIANA	La. R.S. §§ 9:4751 – 4755. Proceeds Recovered by Injured Persons.	<p>To serve Notice under Louisiana law:</p> <p>(1) If, prior to the payment of insurance proceeds, or to payment of any judgment, settlement, or compromise on account of injuries, a written notice containing name and address of injured person and name and location of interested health care provider, hospital, or ambulance service is delivered by certified mail, return receipt requested, or by facsimile transmission with proof of receipt of transmission by the interested health care provider, hospital, or ambulance services, or the attorney or agent for the interested health care provider, hospital, or ambulance service, to the injured person, to his attorney, to the person alleged to be liable to the injured person on account of the injuries sustained, to any insurance carrier which has insured such person against liability, and to any insurance company obligated by contract to pay indemnity or compensation to the injured person. § 9:4753.</p> <p>(2) This privilege shall be effective against all persons given notice according to the provisions of this Section and shall not be defeated nor rendered ineffective as against any person that has been given the required notice because of failure to give notice to all those persons named in this Subsection. § 9:4753.</p> <p>(3) If delivery of the notice required by this Section is made by facsimile transmission, and the sender fails to obtain a signed proof or receipt within seven days, then delivery shall be made by certified mail, return receipt requested, and costs of mailing shall be taxed as court costs. § 9:4753.</p>	<p>A health care provider, hospital, or ambulance that furnishes services to an injured person shall have a privilege for the reasonable charges or fees on the net amount payable to the injured party out of the total amount of recovery had, collected, or to be collected, whether by judgment, settlement, or compromise, for a responsible party. § 9:4752.</p> <p>Any party who has been given notice of the lien has the right to request, via certified mail, an itemized copy of all charges from the provider. If the request is not complied with within 30 days, the lien privilege is dissolved and ineffective. § 9:4755.</p>

STATE	STATUTE	PERFECTING LIEN	COMMENTS
MAINE	Maine Revised Statutes §§ 10:3411 – 3415. Hospital Services.	<p>To perfect notice in Maine:</p> <p>(1) A written notice containing name and address of injured person, as it shall appear on the records of the hospital, date of accident, name and location of hospital, and name of person or persons, firm or firms, corporation or corporations alleged to be liable to the injured party for injuries received, shall be filed under the name of the patient and under the name of all persons, firms or corporations liable for damages arising from such injuries with the clerk of the municipality in which such hospital is located not later than 10 days after the patient has been discharged from hospital and prior to payment of any moneys to such injured person, his attorneys or legal representatives as compensation for such injuries; nor unless the hospital shall mail, registered mail, return receipt requested, a copy of such notice with a statement of the date of filing thereof to:</p> <p><i>I. Persons alleged to be liable.</i> The person or persons, firm or firms, corporation, or corporations, alleged to be liable to the injured patient for the injuries sustained prior to the payment of any moneys to such injured person, his attorneys or legal representatives, as compensation for such injuries; and</p> <p><i>II. Insurance carrier.</i> To the home office, or district office handling carrier's business within the State, of any insurance carrier which has insured such person, firm or corporation against such liability. The person or persons, firm or firms, corporation or corporations alleged to be liable to the injured patient shall upon written request of the hospital disclose the name of his or its insurance carrier which has insured such person, firm or corporation against such liability. § 3412.</p>	<p>Every licensed hospital is entitled to a lien for reasonable charges for care, treatment, and maintenance of an injured person upon any and all causes of action, suits, claims, counterclaims or demands accruing to the person to whom such care, treatment or maintenance was furnished, or to the legal representatives of such person, on account of injuries giving rise to such causes of action and which necessitated such hospital care, treatment and maintenance. § 3411.</p> <p>No lien is allowed against any person who is eligible for financial assistance under the catastrophic illness program, Title 22, § 3185. § 3411.</p> <p>The lien does not attach to any workers' compensation benefits. § 3411.</p> <p>For the purposes of determining the reasonableness of the hospital charges, the hospital shall, at the written request of the person alleged to be liable, or his insurance carrier, make available any hospital records which may be pertinent to determining the reasonableness of the hospital charge, but in no event shall they disclose any other records which it may have; including but not limited to, records or reports with regard to the nature of the injury of the patient, the nature of his condition or the state of his recovery. § 3412.</p>

STATE	STATUTE	PERFECTING LIEN	COMMENTS
MARYLAND	Md. Code §§ 16-601 – 605. Hospital's Lien.	<p>To properly perfect a lien in Maryland, the hospital must:</p> <p>(1) File a notice of lien with the clerk of the circuit court of the county where the medical or other services were provided. § 16-602.</p> <p>(2) Send a copy of the notice of lien and a statement of the date of its filing by registered or certified mail to the person alleged to be liable for the injuries received by the patient. § 16-602.</p> <p>(3) The notice of lien shall be in writing and shall contain: (a) name and address of injured patient; (b) date of accident; (c) name and location of hospital; (d) amount claimed; and (e) name of person alleged to be liable for injuries received. § 16-602.</p> <p>(4) The hospital also shall send a copy of the notice of lien by registered or certified mail to any insurance carrier known to insure the person alleged to be liable for the injuries received by the patient. § 16-602.</p>	<p>The lien in Maryland is only for 50% of the recovery or sum which the patient may collect in judgment, settlement, or compromise. § 16-601(a).</p> <p>A hospital's lien is subordinate to an attorney's lien for services rendered in collecting or obtaining damages. § 16-601(c).</p> <p>The lien does not attach to any workers' compensation benefits. § 16-601(a).</p>
MASSACHUSETTS	M.G.L.A. 111 §§ 70A – D. Hospital Liens.	<p>To perfect a lien in Massachusetts, a provider must give:</p> <p>(1) Written notice containing name and address of injured person, date of accident, name and location of provider of hospital, medical or dental services, name of person alleged to be liable to the injured person for injuries received and, if applicable, name and address of the health maintenance organization, or the hospital, medical, or dental service corporation, shall be mailed by the hospital, health maintenance organization, medical or dental service corporation, certified mail, return receipt requested, to such injured person, to his attorney, to person alleged to be liable to such injured person for injuries sustained and to any insurance carrier which has insured such person against liability. § 70B.</p> <p>(2) Notice must be given prior to any judgment, settlement, or compromise. § 70B.</p>	<p>Any hospital shall have a lien for the reasonable and necessary charges of such hospital, not exceeding, however, the amount which would be charged in a ward of such hospital, and any health maintenance organization which has furnished health services, and any hospital, medical, or dental service corporation which has provided benefits for covered services furnished to a person injured in such an accident shall, subject to the provisions of § 70B, have a lien for such benefits, upon the net amount payable to such injured person, his heirs or legal representative out of the total amount of any recovery or sum had or collected or to be collected, whether by judgment or by settlement or compromise, from another person as damages on account of such injuries. § 70A.</p> <p>The lien of any attorney shall have precedence over the lien created under this section. § 70A.</p>
MICHIGAN	No statutory provision in Michigan.		

STATE	STATUTE	PERFECTING LIEN	COMMENTS
MINNESOTA	Minn. Stat. §§ 514.68 – 72. Hospital Charges.	<p>To perfect a lien in Minnesota:</p> <p>(1) Before, or within 10 days after, such person shall have been discharged therefrom, shall file in the office of the county office assigned this duty by the county board pursuant to § 485.27 of the county in which such hospital shall be located a verified statement in writing setting forth name and address of such patient, as it shall appear on the records of such hospital, name and location of such hospital and name and address of the operator thereof, dates of admission to and discharge of such patient therefrom, amount claimed to be due for such hospital care, and, to the best of claimant’s knowledge, names and addresses of all persons, firms, or corporations claimed by such injured person, or legal representatives of such person, to be liable for damages arising from such injuries. § 514.69.</p> <p>(2) Such claimant shall also, within one day after the filing of such claim or lien, mail a copy thereof, by certified mail, to each person, firm, or corporation so claimed to be liable for such damages to the address so given in such statement. § 514.69.</p>	<p>The filing of such claim or lien shall be notice thereof to all persons, firms, or corporations liable for such damages whether or not they are named in such claim or lien. § 514.69.</p> <p>Any person, firm, or corporation operating a hospital in this state shall have a lien for the reasonable charges for hospital care of an injured person upon any and all causes of action accruing to the person to whom such care was furnished, or to the legal representatives of such person, on account of injuries giving rise to such causes of action and which necessitated such hospital care, subject, however, to any attorney’s lien. § 514.68.</p> <p>Minnesota gives two years to seek recovery of the lien from a party who was placed on notice of the lien. § 514.71.</p> <p>The lien does not attach to any workers’ compensation benefits. § 514.72.</p>
MISSISSIPPI	No statutory provision in Mississippi.		Mississippi limited hospital liens for treatment of burn care only. However, the statutes providing for this lien were repealed effective July 1, 2019.
MISSOURI	Mo. Rev. Stat. §§ 430.225 – 250. Liens of Hospitals and Health Practitioners.	<p>To perfect a lien in Missouri, a hospital must:</p> <p>(1) Provide written notice containing name and address of injured person, date of accident, name and location of hospital and name of person or persons, firm or firms, corporation or corporations alleged to be liable to injured party for injuries received shall be sent by certified mail with return receipt requested to person or persons, firm or firms, corporation or corporations, if known, alleged to be liable to injured party, if known, for injuries sustained prior to payment of any moneys to such injured person, his attorneys or legal representative, as compensation for such injuries. § 430.240.</p> <p>(2) Such hospital shall send by certified mail with return receipt requested a copy of such notice to any insurance carrier, if known, which has insured such person, firm or corporation against such liability. § 430.240.</p>	<p>Missouri mandates that hospitals pay a proportionate share of recovery expenses if the lien is over 50% of the total net proceeds. The net proceeds are calculated after attorneys’ fees are taken out of the recovery amount. § 430.225(3).</p> <p>Hospital liens do not extend to rights an injured person may have under first-party insurance coverage which they, their family, or their employers may have procured for the injured person’s benefit. This includes UM benefits. Such first-party insurance coverage cannot fairly be construed to fall within § 430.235’s reference to “claims ... which such injured person may have ... against the person or persons causing such injury.” <i>Truman Medical Center, Inc. v. Progressive Casualty Ins. Co.</i>, 597 S.W.3d 362 (Mo. App. 2020).</p>

STATE	STATUTE	PERFECTING LIEN	COMMENTS
MONTANA	<p>Montana Code Ann. §§ 71-3-1111 – 1118.</p> <p>Physician, Nurse, Physical Therapist, Occupational Therapist, Acupuncturist, Chiropractor, Dentist, Psychologist, Licensed Social Worker, Licensed Professional Counselor, Hospital, Optometrist, Naturopathic Physician, Podiatrist, Ambulance Service, Rehabilitation Facility, Long-Term Care Facility, and Outpatient Center for Surgical Services Lien Act.</p>	<p>To perfect a lien in Montana under the Act, a healthcare provider must serve written notice upon the person and upon the insurer, if any, stating the nature of the services, for whom and when they were rendered, the value of the services, and that a lien is claimed. § 71-3-1115</p>	<p>Workers' compensation benefits are excluded. § 71-3-1118.</p> <p>The Act specifically mentions that the lien is created against both a liable party and if a person is insured or a beneficiary under insurance. § 71-3-1112.</p> <p>Notice is also preserved if an action has been commenced and the lien notice is filed in the office of the clerk of court in which the action is pending. § 71-3-1116.</p>
NEBRASKA	<p>Neb. Rev. Stat. §§ 52-401 – 402.</p> <p>Liens.</p>	<p>To perfect a lien in Nebraska under § 52-401, a provider must do the following:</p> <p>(1) Serve written notice upon the person or corporation from whom damages are claimed.</p> <p>(2) State amount due and nature of such services.</p>	<p>Workers' compensation benefits are excluded. § 52-401.</p> <p>If there is an action already filed, it shall be sufficient to file the lien notice in the pending action. § 52-401.</p> <ul style="list-style-type: none"> • Liability carrier directly liable to provider when it settles with injured party after perfection and impairs lien. <i>W. Nebraska Gen. Hosp. v. Farmers Ins. Exch.</i>, 475 N.W.2d 901 (Neb. 1991). • Liability carrier can impair provider's lien when it does not include provider on settlement check, even after receiving assurance from counsel that all liens would be satisfied. <i>Alegent Health v. Am. Family Ins.</i>, 656 N.W.2d 906 (Neb. 2003). • Attorney lien trumps provider lien. § 52-401.

STATE	STATUTE	PERFECTING LIEN	COMMENTS
NEVADA	Nev. Stat. §§ 108.585 to 108.660. Liens of Hospitals.	<p>To perfect a lien in Nevada under § 108.590, the hospital must comply with § 108.605(2) and do the following:</p> <p>(1) Send notice of intent to file lien under § 108.605(1) and comply with § 108.605(2) if there is health insurance policy.</p> <p>(2) Record notice of lien in form prescribed by § 108.620 and filed with the county recorder where the hospital is located and the county recorder where the injury was suffered.</p> <p>(3) Service certified copy of the notice of lien by registered or certified mail on the tortfeasor before any third-party settlement is paid.</p> <p>(4) Service copy of the notice of lien by registered or certified mail on the third-party insurance carrier for the tortfeasor.</p> <p><u>NOTE:</u> § 108.620 provides the form of notice that must be given.</p>	<p>When a patient claims damages from a third party, the hospital has a lien on any recovery to the extent of the amount due the hospital for reasonable value of the hospitalization rendered before date of any third-party recovery, unless workers' compensation benefits are paid. § 108.590.</p> <p>No lien is allowed for hospitalization received by a patient after a third-party settlement. § 108.600.</p> <p>Lien does not extend to any sum incurred by the patient as attorneys' fees, costs, and expenses. § 108.600.</p> <p>If patient has health insurance and hospital has a contractual agreement with that health insurer and wishes to perfect a lien, the hospital must send, within 90 days after discharge, notice of intent to file a lien by registered or certified mail to third-party carrier, if known, and the patient and his attorney. § 108.605.</p> <p>Within 30 days after sending notice of intent, hospital <i>must first</i> attempt to collect from health insurance under § 449A.159. § 108.605(2).</p> <p>If patient receives tort settlement after notice of intent to file a lien is received, he must provide written notice to the hospital of the recovery and the third-party carrier must proceed as if lien is perfected. § 108.605(3).</p> <p>Tortfeasor and third-party carrier liable to hospital for 180 days after settlement if they don't pay hospital lien. § 108.620.</p> <p>If patient eligible for Medicare, Medicaid, etc., hospital limited to 55% of the charges billed. § 108.655.</p>

STATE	STATUTE	PERFECTING LIEN	COMMENTS
NEW HAMPSHIRE	<p>N.H. Stat. §§ 448-A:1 to 448-A:4.</p> <p>Liens in Favor of Hospitals and Home Health Care Providers.</p>	<p>(1) File written notice with the clerk of the town or city in which the hospital or home health care provider (HHCP) is located, within 10 days after patient is discharged.</p> <p>(2) Notice must contain name and address of injured person, date of accident, name and location of hospital or HHCP, name of party responsible for causing the injury, and/or his attorney.</p> <p>(3) Notice must be filed before any third-party settlement or recovery.</p> <p>(4) A copy of this notice with a statement of the date of filing must be sent by certified mail, return receipt requested, to the patient, his attorneys, the tortfeasor, and/or his attorneys, and to any third-party insurance carrier. § 448-A:2.</p>	<p>Every hospital licensed in N.H. who furnishes medical or other services to a patient not covered by workers' compensation has a lien on any claim or third-party cause of action against a tortfeasor. § 448-A:1.</p> <p>The third-party tortfeasor must disclose the name of his insurance carrier upon receipt of notice. § 448-A:2.</p> <p>After receiving notice, the tortfeasor and his insurance company, if they settle the third-party case with the patient/injured person without repaying the lien, remain liable to the hospital or HHCP for one year from the date of settlement, and this liability can be enforced by a suit against such person or insurance company. § 448-A:3.</p> <p>The town or city clerk must maintain and provide a book or card filing system to be called the "hospital and home health care provider lien docket." It must contain the name of the patient, tortfeasor, and hospital or HHCP, and may charge a fee of \$15 for filing the lien. § 448-A:4.</p>
NEW JERSEY	<p>N.J. Stat. §§ 2A-44-35 to 2A-44-46.</p> <p>Liens/Hospitals and Physicians.</p>	<p>(1) Notice of lien containing name and address of patient, date and location of accident, date of first treatment, name and address of hospital, and name and address of tortfeasor (if known) must be filed in office of country clerk of county in which injuries were incurred, prior to third-party settlement, but no later than 90 days after first treatment.</p> <p>(2) Send by registered mail (or personal service) copy of notice of lien along with statement of the date of filing to the patient and tortfeasor.</p> <p>(3) Upon request, must furnish statement of injuries and itemized statement of charges and services to tortfeasor or his attorney.</p>	<p>Every hospital and nursing home and every physician or dentist have a lien against any personal injury claim of patient. § 2A-44-36.</p> <p>Lien attaches to all claims, suits, action which patient has against tortfeasor responsible for injuries up to date of third-party settlement. § 2A-44-37.</p> <p>Lien amount may not exceed "ward rates" and cannot exceed amount of third-party recovery. § 2A-44-38. For nursing home limited to per diem rate. § 2A-44-39.1.</p> <p>No lien if workers' compensation. § 2A-44-40.</p> <p>Clerk of court must maintain hospital lien docket, listing name of injured person. Clerk can receive fee for filing of same. § 2A-44-41.</p> <p>No release by patient is valid after filing lien and tortfeasor remains liable to hospital for period of one (1) year. They can contest the charge. § 2A-44-43.</p> <p>Tortfeasor has right to examine statement of charges. § 2A-44-45.</p> <p>Lien must be discharged and released upon payment. § 2A-44-46.</p>

STATE	STATUTE	PERFECTING LIEN	COMMENTS
NEW MEXICO	N.M. Stat. §§ 48-8-1 to 48-8-7. Hospital Liens.	<p>(1) File written notice of lien in office of county clerk where hospital is located.</p> <p>(2) Notice must include itemized statement of claims certified by agent of hospital, date of accident, name and location of hospital, and name of tortfeasor.</p> <p>(3) Notice must be sent by certified mail (return receipt requested) prior to settlement, to patient, his attorney, and tortfeasor.</p> <p>(4) Tortfeasor must divulge name of insurance carrier.</p> <p>(5) Mail copy of written notice by certified mail (return receipt requested) to the home office of such third-party carrier. § 48-8-2.</p>	<p>Every hospital in state has lien on third-party recover (not including attorneys' fees), whether by settlement, judgment, or compromise. § 48-8-1.</p> <p>Tortfeasor and its carrier liable if they settle after lien is filed, up to one year after settlement. § 48-8-3.</p> <p>County clerk will maintain hospital lien index. § 48-8-4.</p> <p>Hospital must release lien when satisfied. § 48-8-5.</p> <p>Hospital has lien only; no interest in the amount or manner of any settlement or claim filed. § 48-8-7.</p>
NEW YORK	N.Y. Lien Law § 189. Other Liens on Personal Property.	<p>(1) Send written notice containing name and address of injured person, date of accident, name and location of hospital and name of tortfeasor to patient, his attorney, and third party prior to settlement, by registered or certified mail with postage prepaid. § 189.</p> <p>(2) Mail copy of notice to third-party carrier. Such mailing shall be deemed to be effective notwithstanding any inaccuracy or omission therein if the information contained therein shall be sufficient to enable the person or persons or corporation alleged to be liable, by the exercise of reasonable diligence, to identify the injured person, the occurrence upon which the claim for damages is based and the name and address of the hospital asserting the lien. § 189.</p> <p>(3) File copy in the office of the county clerk of the county in which the hospital is located. After discharge patient, mail an additional notice of lien, duly verified, which shall show the total hospital charges and no lien hereunder shall exceed this amount. § 189.</p>	<p>Every charitable hospital and every state, county town or village operating a hospital has a lien on all causes of action the patient has against tortfeasor. § 189(1).</p> <p>Lien is for emergency services treating personal injuries received within one (1) week prior to receiving treatment or admission to hospital. § 189(1).</p> <p>Lien attaches to settlement with any other person, or persons or corporation claimed or alleged to be liable for said injuries. § 189(2)(a)(ii).</p> <p>Lien only attaches to wrongful death recovery if medical expenses are recovered by patient in settlement. § 189(2)(b).</p> <p>No release is valid against such perfected lien. Hospital can pursue action against tortfeasor for one year from date of such notice. § 189(3).</p> <p>County clerk must keep hospital lien docket. § 189(4).</p> <p>Tortfeasor or its carrier can examine hospital billing and records except for confidential records. § 189(5).</p> <p>Lien doesn't attach to workers compensation. § 189(6).</p> <p>Patient can apply for order determining the validity of lien. If it appears that there is a bona fide dispute as to the charges, there must be an immediate hearing to determine the amount of the reasonable charges of such hospital § 189(6-a).</p> <p>Lien is subordinate to attorneys' fees. § 189(7).</p> <p>Hospital lien valid for 10 years. § 189(11).</p>

STATE	STATUTE	PERFECTING LIEN	COMMENTS
NORTH CAROLINA	<p>N.C.G.S. §§ 44-49 to 44-51.</p> <p>Liens Upon Recoveries for Personal Injuries to Secure Sums Due for Medical Attention, Etc.</p>	<p>(1) Provider must provide written notice to the patient's attorney of the lien claimed. § 44-49.</p> <p>(2) Provider must provide to attorney, upon request, itemized statement of lien and written notice of the lien. § 44-49(b).</p> <p>(3) An <i>assignment of benefits</i> contract stands on equal footing with a medical lien, and the provider cannot recover more under the contract than it could under the medical lien statutes.</p>	<p>Creates lien on personal injury recovery in favor of any person, corporation, State entity, municipal corporation or county to whom the person so recovering, or the person in whose behalf the recovery has been made, may be indebted for any drugs, medical supplies, ambulance services, services rendered by any physician, dentist, nurse, or hospital, or hospital attention or services. § 44-49.</p> <p>Lien attaches to all funds paid to [patient] in compensation for or settlement of the injuries, whether in litigation or otherwise. § 44-50.</p> <p>Lien capped at 50% of recovery after attorney's fees are deducted. § 44-50.</p> <p>Provider/lienholder entitled to settlement distribution sheet ("a certification with sufficient information to demonstrate that the distribution was pro rata and consistent with this Article"). Is subject to being bound by any confidentiality. § 44-50.1.</p> <p>If lien contested, claim must be fully established and determined. § 44-51.</p> <p>When third-party carrier settles with unrepresented patient and does not have valid notice of a claim for medical services creating a medical lien on settlement, unless there is valid assignment of rights, carrier does not have valid notice of a lien. <i>Smith v. State Farm Mut. Auto. Ins. Co.</i>, 358 N.C. 725 (N.C. 2004).</p>

STATE	STATUTE	PERFECTING LIEN	COMMENTS
NORTH DAKOTA	N.D. Stat. §§ 35-18-01 to 35-18-11. Hospital Lien.	<p>(1) Notice of intention to file a hospital lien statement must be served on the tortfeasor by registered or certified mail or personal service just as service of summons would be served in a civil action. § 35-18-02.</p> <p>(2) Within 30 days after services rendered file lien statement in the office of the clerk of the district court of the county in which services were rendered. Must include name address of injured person, tortfeasor and liability carrier, insurance company liable for insurance to patient, and itemized statement of services. Must also be signed by hospital/institution claiming lien by person authorized and with knowledge and verified that the facts are true to the best of the knowledge of person and that amount is due and unpaid. § 35-18-03.</p>	<p>Hospital has lien for the reasonable value of services rendered to a patient injured in an accident. It attaches to all personal injury claims, settlements, etc. as well as to any “insurance or indemnity payable to the injured person by any insurer.” § 35-18-01.</p> <p>Clerk of court will charge a fee (§ 37-05.2-03(1)(d)), file-stamp lien statement, and keep indexed. §35-18-04.</p> <p>Filing of lien statement is constructive notice to all persons of the hospital’s claim against tortfeasor and its insurer, and no release is valid to release this claim. § 35-18-05.</p> <p>Hospital can enforce its lien by civil action against the tortfeasor and its insurer and even a judgment against them does not bar the hospital from collecting its lien unless they have already paid the hospital. § 35-18-06.</p> <p>Any judgment in action for damages must contain reference to the lien and hospital has 60 days to bring action to enforce lien thereafter. § 35-18-07.</p> <p>If patient has insurance policy/contract (non-workers compensation) providing for indemnity or compensation for hospital charges, the hospital also has a lien on such benefits, and the policy/contract can pay off the lien which constitutes a release of that party. § 35-18-08.</p> <p>Liable party can inspect hospital records. § 35-18-09.</p> <p>Action on lien must be filed within one year after filing lien. § 35-18-10.</p>
OHIO	No statutory provision in Ohio.		Ohio is one of nine states without statewide lien laws.
OKLAHOMA	42 Okla. Stat. §§ 43, 44. Liens.	<p>(1) File written notice containing statement of amount claimed, name and address of patient, date of accident, name and location of hospital, and name of tortfeasor, in office of the county clerk of the county in which the hospital is located.</p> <p>(2) Hospital must send notice of this lien, by certified or registered mail, to the patient and any attorney. § 44.</p>	<p>Hospital has lien on any third-party recovery for reasonable and necessary charges up to date of payment. Lien subject to attorneys’ fee lien. Doesn’t apply if workers’ compensation applies. Lien also applies to medical diagnostic imaging facilities. § 43.</p> <p>Lien can be enforced by civil action in district court of county where lien was filed if brought within one year after hospital becomes aware of final judgment or settlement. § 44.</p> <p>Physician has identical lien and procedure. § 46.</p>

STATE	STATUTE	PERFECTING LIEN	COMMENTS
OREGON	<p>Or. Stat. §§ 87.555 - 87.585. Medical Services Lien.</p> <p>Or. Stat. §§ 87.607 - 87.633. Ambulance Services Lien.</p>	<p>(1) File notice of lien no later than 30 days after patient discharged, with recording officer of the county where the hospital is located.</p> <p>(2) Must contain statement of amount claimed and be filed prior to date of third-party settlement.</p> <p>(3) Serve certified copy of notice of lien on tortfeasor and its liability carrier before judgment or settlement.</p> <p>(4) No later than 30 days after discharge of patient from hospital, must</p> <p>(5) Notice of lien must be in form prescribed by § 87.750 and contain statement of amount claimed. §§ 87.555, 87.565.</p>	<p>Hospital, physician, nurse practitioner, and physician assistant have lien on any sum awarded to or recovered by the injured person for the reasonable value of the medical treatment rendered prior to the recovery. No lien if workers' compensation involved. Lien extends to PIP policy. If not enough funds to satisfy all liens, the tortfeasor's liability carrier must prorate the available funds without regard to the sequence of filing notice of liens, in proportion to the amount due each for services rendered. § 87.555.</p> <p>No lien once a settlement has been reached. Attorneys' fees take priority. No lien on PIP payments made before the lien was filed. § 87.560. Form of Notice of Lien. § 87.570.</p> <p>Third-party carrier liable to hospital or physician for reasonable value of services if it receives notice of lien and still settles without paying provider. Action by hospital/physician must be commenced with 180 days after the settlement/payment. § 87.581.</p> <p>Lien can be foreclosed by filing suit in circuit court and both lien and reasonable attorneys' fees "at trial" can be recovered. § 87.585.</p>
PENNSYLVANIA	No statutory provision in Pennsylvania.		Pennsylvania is one of nine states without statewide lien laws.
RHODE ISLAND	<p>R.I. Stat. §§ 9-3-4 to 9-3-14. Liens Against Causes of Action.</p>	<p>(1) Written notice of lien must contain the name/address of the patient, hospital, and tortfeasor (if known), along with their attorneys, along with the date of accident.</p> <p>(2) It must be filed in the office of the city or town clerk in which the hospital is located before any third-party settlement.</p> <p>(3) Copy of notice must be mailed, postage prepaid, to the patient, tortfeasor, tortfeasor's insurance carrier, and any attorneys. §§ 9-3-5 to 9-3-7.</p>	<p>Any hospital (private, public) has lien on third-party action of patient for the "reasonable and necessary charges" of the hospital up to the date of the settlement. No lien if covered by workers' compensation and lien does not supersede attorney's fee lien. § 9-3-4.</p> <p>After notice of lien filed, tortfeasor's carrier is liable to hospital if the lien is not repaid in a third-party settlement, for up to one year. § 9-3-6.</p>
SOUTH CAROLINA	No statutory provision in South Carolina.		South Carolina is one of nine states without statewide lien laws.

STATE	STATUTE	PERFECTING LIEN	COMMENTS
SOUTH DAKOTA	S.D. Stat. §§ 44-12-1 to 44-12-8. Hospital Liens.	<p>(1) Written notice of lien must be filed in the office of the register of deeds of the county in which the hospital is located before any third-party settlement before any third-party settlement.</p> <p>(2) Notice must contain name/address of injured party, hospital, tortfeasor and tortfeasor's insurance company.</p> <p>(3) Must also be sent by mail, postage prepaid to the tortfeasor and the patient's attorney. § 44-12-4.</p>	<p>Any hospital (private, public) has lien on third-party action of patient for the "reasonable and necessary charges" of the hospital up to the date of the settlement. § 44-12-1.</p> <p>Lien doesn't affect patient/attorney contract. § 44-12-2.</p> <p>No lien if covered by workers' compensation. § 44-12-3.</p> <p>Hospital must first submit bill/charges to third-party tortfeasor/carrier. § 44-12-3.1.</p> <p>Tortfeasor must divulge name of liability carrier upon request from hospital. § 44-12-7.</p> <p>Settlement of third-party case without paying lien makes tortfeasor liable for lien for one (1) year. § 44-12-8.</p> <p>Tortfeasor is permitted to examine the billing/records of the hospital. § 44-12-9.</p>
TENNESSEE	Tenn. Stat. §§ 29-22-101 to 29-22-107. Hospital Liens.	<p>(1) Within 120 days of discharge, file verified statement with office of the clerk of circuit court of county in which hospital is located. Fee: \$10.</p> <p>(2) Include name, address of patient, name and address of agent or operator of hospital, dates of admission and discharge, the amount claimed, and (if known, the name and address of party responsible for causing injuries.</p> <p>(3) Within 10 days of filing, send copy by registered mail, postage prepaid to each person named in notice, including attorneys.</p> <p>(4) To challenge, person must file motion to quash or reduce in the same court.</p> <p>(5) Notice filed after third-party settlement not valid against third-party insurer (not within first 30 days, however). § 29-22-102.</p>	<p>Any hospital (private, public) has automatic lien up to 1/3 of the third-party recovery. § 29-22-101(b)</p> <p>Hospital lien subordinate to attorney's fee lien, but only if recovery is insufficient to pay both lien and fees. § 29-22-101(b); <i>Breazeale v. Hensley</i>, 2009 WL 196026 (Tenn. App. 2009). It is also subordinate to mechanic's lien if auto involved. § 29-22-101(b).</p> <p>Third-party release not valid unless lienholder joins and signs release. Lienholder has action against tortfeasor. Suit can be brought in lienholder's county. § 29-22-104.</p> <p>Third party cannot include name of hospital/lienholder on settlement check. § 29-22-106.</p> <p>Hospital has no independent action against tortfeasor outside of lien on third-party action. § 29-22-107.</p>

STATE	STATUTE	PERFECTING LIEN	COMMENTS
TEXAS	<p>V.T.C.A., Property Code §§ 55.001 to 55.008.</p> <p>Hospital and Emergency Medical Services Liens.</p>	<p>Hospital or Emergency Medical Services Provider (EMSP) must do the following:</p> <p>(1) File written notice of lien with county in which services were provided before third-party settlement or recovery. It must contain (a) patient’s name and address, date of accident, name and location of hospital or EMSP, and the name of the third-party tortfeasor responsible for the damages, if known;</p> <p>(2) Provide notice to injured patient/attorney by regular mail within five (5) business days after the County Clerk notifies it that Notice of Lien has been “recorded”, informing him that (a) lien attaches to any cause of action or claim against a third party; and (b) the lien does not attach to real property. (NOTE: An EMSP does not have to do this if it provided such notice to patient at time services provided via its authorization form and in bolded, 14-pt. font, and it is signed by the patient-unless consent for emergency medical care is not required.)</p> <p>(3) The failure of a person to receive a notice mailed in accordance with this statute does not affect the validity of the lien. § 55.005.</p>	<p>Lien on cause of action of anyone “who receives hospital services for injuries caused by an accident that is attributed to the negligence of another person.” Lien attaches to patient, attorney, and liability carrier. Emergency medical services provider does not need to provide notice if notice given to patient at time services provided as set forth in § 55.005(e).</p> <p>Lien applies only when patient is admitted to hospital within 72 hours of accident and extends to both admitting hospital and hospital to whom patient transferred. § 55.002.</p> <p>Lien does not attach to UM/UIM, PIP, Med Pay, or Workers’ Compensation benefits. It attaches to Occupational Accident policy.</p> <p>Hospital must make records concerning the services provided available to the patient or his attorney as promptly as possible. § 55.008(a).</p> <p>“Emergency medical services provider” also has lien if services within 72 hours of accident and in county with population of 800,000 or less. § 55.008(2)(c).</p> <p>Common Fund Doctrine does not apply to hospital liens. <i>Bashara v. Baptist Memorial Hosp. System</i>, 685 S.W.2d 307 (Tex. 1985).</p>

STATE	STATUTE	PERFECTING LIEN	COMMENTS
UTAH	Utah Stat. §§ 38-7-1 to 38-7-8. Hospital Lien Law.	<p>(1) Verified written notice must be filed in district court of county in which hospital located and include itemized statement of services, name and address of hospital, name of party liable for accident, and name and address of patient.</p> <p>(2) Notice must be sent by certified mail, prior to any third-party settlement, together with statement of date of filing, to the third-party tortfeasor and its insurance carrier, if known. § 38-7-2.</p>	<p>Hospital has a lien on third-party recovery after attorneys' fees/costs paid. No lien on recoveries less than \$100. Lien is for amount of reasonable, usual, and necessary hospital charges. No lien if workers' compensation or private health insurance cover the accident unless health insurer denies coverage or doesn't pay within 180 days. Lien must be withdrawn when private health insurer pays the contracted amount. Hospital may assert lien for copayment or deductible owed by the patient. § 38-7-1.</p> <p>Third party carrier who received notice of lien is liable for lien if it settles without paying lien, for period up to one (1) year from date of third-party settlement. Hospital can file suit against third-party to enforce lien and recover reasonable attorneys' fees and costs of litigation and lien filing. § 38-7-3.</p> <p>Once lien is paid, hospital must execute and file a release of lien and mail a copy of release of lien to patient. § 38-7-5.</p> <p>Hospital does not have to pay any costs of collection. Lien Statute merely creates a priority system for payment. The hospital lien is to be paid <i>in full</i> after the attorney's fees and costs are paid from the fund. <i>Bryner v. Cardon Outreach, LLC</i>, 428 P.3d 1096 (Utah 2018).</p>
VERMONT	18 V.S.A. §§ 2251 – 2256. Lien for Services Rendered Accident Victims.	<p>(1) Written notice containing name, address of injured patient, date of accident, name, location of hospital, and name of third-party tortfeasor, must be filed in office of clerk of town in which hospital is located before third-party settlement/payment.</p> <p>(2) Mail copy postage prepaid along with statement of the date of filing to the injured patient and to tortfeasor or legal representatives.</p> <p>(3) Mail copy to any insurance carrier for the tortfeasor. § 2252.</p>	<p>Lien applies to any recover from an accident not covered by workers' compensation but does not attach to one-third of the recovery or \$500, whichever is less. § 2251.</p> <p>Third-party carrier liable for one year from date of settlement/payment, to the hospital for the amount of the lien, and hospital can, within that year, enforce its lien by civil action against third-party carrier or person making payment. After one-year lien is void. § 2253.</p> <p>Every town clerk must keep hospital lien docket properly indexed under name of injured patient. § 2254.</p> <p>Hospital/town must file a certificate of discharge within 30 days after lien is satisfied. § 2256.</p>

STATE	STATUTE	PERFECTING LIEN	COMMENTS
VIRGINIA	Va. Code §§ 8.01-66.2 - 8.01-66.12. Lien for Hospital, Medical and Nursing Services	<p>(1) Written notice stating the name of the hospital or provider and name of injured person must be served on the third-party tortfeasor or to the attorney for the injured person. Actual notice exception.</p> <p>(2) Third party is then liable for the reasonable charges for services rendered to injured person to extent of the amount paid. (Exception: when State provides services).</p> <p>(3) If third-party tort suit filed by injured patient, hospital can file petition in the lawsuit instead of proceeding according to §§ 8.01-66.5 to 8.01-66.7.</p>	<p>Every hospital, nursing home, licensed physician, registered nurse, registered physical therapist, pharmacy, or ambulance service has a lien for services rendered on care to any person injured due to third-party tortfeasor. The lien limited to the just and reasonable charge for the services rendered, not exceeding \$2,500 (hospital or nursing home), \$750 (physician, nurse, physical therapist, or pharmacy), and \$200 (ambulance service). § 8.01-66.2.</p> <p>Lien inferior to attorneys' fees. § 8.01-66.3.</p> <p>Any city, corporation, or person who pays the charges for which a lien is provided is <i>subrogated</i> to such lien. § 8.01-66.4.</p>
WASHINGTON	R.C.W.A. §§ 60.44.010 -- 60.44.060. Lien of Doctors, Nurses, Hospitals, Ambulance Services	<p>(1) Must disclose the use of liens in billing/collection. § 60.44.020(2).</p> <p>(2) Must record lien with county auditor in county in which care was rendered either within 20 days after date of injury or receipt of care or, if settlement has not been made, then at any time before settlement and payment. § 60.44.020(3).</p> <p>(3) Once paid, a hospital must prepare and execute a release of lien within 30 days. § 60.44.060(2).</p> <p>(4) Can be enforced by civil action brought by claimant (or assignee) within one year after filing of lien. § 60.44.060(1).</p>	<p>Allows lien for hospitals (public and private), nurse practitioners, physicians, and surgeons rendering service, transportation, and care. Allows lien on any recovery in third-party tort claim, but not workers' compensation benefits. Lien cannot exceed 25% of an award, verdict, report, decision, decree, judgment, or settlement. § 60.44.010.</p> <p>In order to enforce hospital lien against portion of settlement, claimant must establish alleged tortfeasor's negligence; fact that alleged tortfeasor has made payment or settlement constitutes prima facie evidence of negligence, rather than conclusive evidence, and may be rebutted. <i>U.S. v. Deaconess Medical Center Empire Health Service</i>, 994 P.2d 830 (Wash. 2000).</p>
WEST VIRGINIA	No statutory provision in West Virginia.		West Virginia is one of nine states without statewide lien laws.

STATE	STATUTE	PERFECTING LIEN	COMMENTS
WISCONSIN	Wis. Stat. § 779.80. Hospital Liens.	<p>A lien is void if the following steps are not followed. To perfect hospital lien:</p> <p>(1) Lien must be filed in the clerk of courts for the county in which the hospital is located or county where third-party suit is pending.</p> <p>(2) Lien must be filed before any payment or recovery from third-party claim, and no later than sixty (60) days after patient is discharged.</p> <p>(3) Notice must contain name and address of patient, date and location of accident, name and location of hospital, and name and address of tortfeasor, if known.</p> <p>(4) Within 10 days after filing lien, hospital must send copy of lien notice to patient and tortfeasor and his liability carrier (if they can be determined by reasonable diligence) by certified or registered mail.</p>	<p>Only charitable hospitals may file a lien. § 779.80(1); <i>Spence v. Regions Hospital</i>, 384 F.Supp.2d 1313 (W.D. Wis. 2005).</p> <p>Hospital has lien on any cause of action or claim against tortfeasor. § 779.80(2).</p> <p>Section 779.80 may be broad enough to allow lien against UM/UIM and Med Pay benefits. No case law to date.</p> <p>Clerk of the court must enter hospital lien in judgment and lien docket. § 779.80(3)(a).</p> <p>Once lien is properly perfected, a release will not be valid against a perfected hospital lien and third-party carrier remains liable to hospital for amount of its lien for one year. § 779.80(4).</p> <p>Lien is subordinated to attorney's fees and actual taxable court costs and disbursements. § 779.80(5).</p> <p>Lien does not attach to workers' compensation. § 779.80(6).</p> <p>If attorney does not disclose lien to third-party carrier, carrier and/or its attorney should ascertain if any liens.</p> <p>Hospital can enforce a hospital lien on a Medicaid recipient's third-party settlement as an alternative to billing Medicaid. <i>Gister v. American Family Mut. Ins. Co.</i>, 818 N.W.2d 880 (Wis. 2012).</p>
WYOMING	No statutory provision in Wyoming.		Wyoming is one of nine states without statewide lien laws.

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