

Senate Calendar

FRIDAY, JANUARY 5, 2024

SENATE CONVENES AT: 11:30 A.M.

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ACTION CALENDAR

NEW BUSINESS

Second Reading

Favorable with Recommendation of Amendment

S. 79.

An act relating to limitations on hospital liens.

Reported favorably with recommendation of amendment by Senator Vyhovsky for the Committee on Judiciary.

The Committee recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 18 V.S.A. § 2251 is amended to read:

§ 2251. LIEN ESTABLISHED

(a) A Except as otherwise provided in this section, a hospital in Vermont, as defined in section 1801 of this title, furnishing medical or other service, including charges of private duty nurses, to a patient injured by reason of an accident not covered by the Workers' Compensation Act, 21 V.S.A. § 601 et seq. chapter 9, shall have may file a lien upon any recovery for damages to be received by the patient, or by his or her the patient's heirs or personal representatives in the case of his or her the patient's death, whether by judgment or by settlement or compromise after the date of the services. This lien shall not attach to one-third of the recovery or \$500.00, whichever shall be the lesser, and in addition the lien shall be subordinate to an attorney's lien.

(b)(1) Notwithstanding subsection (a) of this section, a hospital shall not have a lien under this chapter if the patient has health insurance, including coverage under Medicare, Medicaid, or a health plan issued by a health insurer, as defined in section 9402 of this title, and the patient provides the hospital with proof of health insurance not later than 90 days after the patient's discharge from the hospital.

(2) Notwithstanding subdivision (1) of this subsection, a hospital may file a lien pursuant to subsection (a) of this section for any amount owed to the hospital for the patient's deductible or co-insurance, or both, under the health insurance plan for the medical or other services furnished by the hospital by filing notice of a lien at least 120 days after the hospital billed the patient's

health insurance plan for the amount owed to the hospital for services furnished to the patient.

(3) The patient's health insurance plan shall not deny payment for services furnished by the hospital to the patient on the basis that a property and casualty insurance carrier is responsible for the patient's injuries unless such denial is required or expressly permitted by State or federal law.

(c)(1) A hospital that recovers under this chapter shall be responsible for a pro rata share of the legal and administrative expenses incurred in obtaining the judgment, settlement, or compromise.

(2) In no event shall the hospital lien exceed one-third of the net judgment, settlement, or compromise received by the injured patient.

Sec. 2. EFFECTIVE DATE

This act shall take effect on January 1, 2024.

(Committee vote: 5-0-0)

ORDERED TO LIE

S. 94.

An act relating to the City of Barre tax increment financing district.

CONCURRENT RESOLUTIONS FOR ACTION

Concurrent Resolutions For Action Under Joint Rule 16

The following joint concurrent resolutions have been introduced for approval by the Senate and House. They will be adopted by the Senate unless a Senator requests floor consideration before the end of the session. Requests for floor consideration should be communicated to the Secretary's Office.

H.C.R. 128-131 (For text of Resolutions, see Addendum to House Calendar for January 4, 2024)