

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

House Bill 52

(Chair, Judiciary Committee)(By Request - Maryland
Judicial Conference)

Judiciary

Clerks of the Circuit Courts - Hospital Lien Docket - Repeal

This bill repeals a requirement that a clerk of a circuit court must provide a hospital lien docket. Instead, a clerk must enter information regarding a hospital lien in the judgment docket of the court or in the same manner as a judgment. Statutory provisions regarding fees for filing, recording, and indexing hospital liens remain the same.

Fiscal Summary

State Effect: The change is procedural in nature and does not impact State finances.

Local Effect: The change is procedural in nature and does not impact local finances.

Small Business Effect: None.

Analysis

Current Law: A hospital which furnishes medical or other services to a patient injured in an accident not covered by the Maryland Workers' Compensation Act has a lien on 50% of the recovery or sum which the patient or, in case of death, the heirs or personal representative of the patient collect in judgment, settlement, or compromise of the patient's claim against another for damages on account of the injuries.

Subject to specified limitations, the lien secures the reasonable and necessary charges of the hospital for the treatment, care, and maintenance provided to the patient. A hospital's lien is subordinate only to an attorney's lien for professional services for collecting or

obtaining damages. A lien is not effective unless, before payment of any money to the patient or the patient's attorney, heirs, or personal representative as compensation for the injuries, the hospital (1) files a notice of lien with the clerk of the circuit court of the county where the services were provided and (2) sends a copy of the notice of the 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.

The clerk of a circuit court must provide a hospital lien docket. When a notice of a lien for medical or related services is filed, the clerk must enter in the hospital lien docket (1) the name of the injured patient; (2) the name of the person alleged to be liable for the patient's injuries; (3) the date of the accident; and (4) the name of the hospital making the claim. The clerk must index the hospital lien under the name of the injured patient.

On presentation of a release of a lien, the clerk must note in the docket the date when the release was filed and must note on the release that it was recorded. The court must collect a maximum of \$2 for the filing, recording, and indexing of each lien and a maximum of \$2 for filing a release of the lien and for noting the filing of the release in the docket and on the release.

Additional Information

Prior Introductions: None.

Cross File: SB 65 (Chair, Judicial Proceedings Committee) (By Request - Maryland Judicial Conference) – Judicial Proceedings.

Information Source(s): Judiciary (Administrative Office of the Courts), Montgomery County, Department of Legislative Services

Fiscal Note History: First Reader - January 29, 2015
mar/kdm

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