

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 8.01-66.9 and 54.1-2404 of the Code of Virginia and to repeal Chapter 12*
 3 *(§§ 32.1-343 through 32.1-350) of Title 32.1 of the Code of Virginia, relating to State/Local*
 4 *Hospitalization Program; repeal.*

5 [S 736]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**8 **1. That §§ 8.01-66.9 and 54.1-2404 of the Code of Virginia are amended and reenacted as follows:**9 **§ 8.01-66.9. Lien in favor of Commonwealth, its programs, institutions, or departments on claim for**
 10 **personal injuries.**

11 Whenever any person sustains personal injuries and receives treatment in any hospital, public or private,
 12 or nursing home, or receives medical attention or treatment from any physician, or receives nursing services
 13 or care from any registered nurse in this Commonwealth, or receives pharmaceutical goods or any type of
 14 medical or rehabilitative device, apparatus, or treatment which is paid for pursuant to the Virginia Medical
 15 Assistance Program, ~~the State/Local Hospitalization Program and other~~ programs of the Department of
 16 Medical Assistance Services, the Maternal and Child Health Program, or the Children's Specialty Services
 17 Program, or provided at or paid for by any hospital or rehabilitation center operated by the Commonwealth,
 18 the Department for Aging and Rehabilitative Services or any public institution of higher education, the
 19 Commonwealth shall have a lien for the total amount paid pursuant to such program, and the Commonwealth
 20 or such Department or institution shall have a lien for the total amount due for the services, equipment or
 21 devices provided at or paid for by such hospital or center operated by the Commonwealth or such Department
 22 or institution, or any portion thereof compromised pursuant to the authority granted under § 2.2-514, on the
 23 claim of such injured person or of his personal representative against the person, firm, or corporation who is
 24 alleged to have caused such injuries.

25 The Commonwealth or such Department or institution shall also have a lien on the claim of the injured
 26 person or his personal representative for any funds which may be due him from insurance moneys received
 27 for such medical services under the injured party's own insurance coverage or through an uninsured or
 28 underinsured motorist insurance coverage endorsement. The lien granted to the Commonwealth for the total
 29 amounts paid pursuant to the Virginia Medical Assistance Program, ~~the State/Local Hospitalization Program~~
 30 ~~and other~~ programs of the Department of Medical Assistance Services, the Maternal and Child Health
 31 Program, or the Children's Specialty Services Program shall have priority over the lien for the amounts due
 32 for services, equipment or devices provided at a hospital or center operated by the Commonwealth. The
 33 Commonwealth's or such Department's or institution's lien shall be inferior to any lien for payment of
 34 reasonable attorney's fees and costs, but shall be superior to all other liens created by the provisions of this
 35 chapter and otherwise. Expenses for reasonable legal fees and costs shall be deducted from the total amount
 36 recovered. The amount of the lien may be compromised pursuant to § 2.2-514.

37 The court in which a suit by an injured person or his personal representative has been filed against the
 38 person, firm or corporation alleged to have caused such injuries or in which such suit may properly be filed,
 39 may, upon motion or petition by the injured person, his personal representative or his attorney, and after
 40 written notice is given to all those holding liens attaching to the recovery, reduce the amount of the liens and
 41 apportion the recovery, whether by verdict or negotiated settlement, between the plaintiff, the plaintiff's
 42 attorney, and the Commonwealth or such Department or institution as the equities of the case may appear,
 43 provided that the injured person, his personal representative or attorney has made a good faith effort to
 44 negotiate a compromise pursuant to § 2.2-514. The court shall set forth the basis for any such reduction in a
 45 written order.

46 **§ 54.1-2404. Itemized statements required upon request.**

47 Upon the request of any of his patients, any health care provider licensed or certified by any of the boards
 48 within the Department, except in the case of health care services as defined in Chapter 43 (§ 38.2-4300 et
 49 seq.) of Title 38.2, shall provide to such patient an itemized statement of the charges for the services rendered
 50 to the requesting patient regardless of whether a bill for the services which are the subject of the request has
 51 been or will be submitted to any third party payor including medical assistance services ~~of the state/local~~
 52 ~~hospitalization program.~~

53 **2. That Chapter 12 (§§ 32.1-343 through 32.1-350) of Title 32.1 of the Code of Virginia is repealed.**