

SECOND REGULAR SESSION

# HOUSE BILL NO. 1699

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE YATES.

Read 1st time February 8, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4921L.01I

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### AN ACT

To repeal section 430.225, RSMo, and to enact in lieu thereof one new section relating to physical therapists.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 430.225, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 430.225, to read as follows:

430.225. 1. As used in sections 430.225 to 430.250, the following terms shall mean:

(1) "Claim", a claim of a patient for:

(a) Damages from a tort-feasor; or

(b) Benefits from an insurance carrier;

(2) "Clinic", a group practice of health practitioners or a sole practice of a health practitioner who has incorporated his or her practice;

(3) "Health practitioner", a chiropractor licensed pursuant to chapter 331, RSMo, a podiatrist licensed pursuant to chapter 330, RSMo, a dentist licensed pursuant to chapter 332, RSMo, **a physical therapist licensed under chapter 334, RSMo**, a physician or surgeon licensed pursuant to chapter 334, RSMo, or an optometrist licensed pursuant to chapter 336, RSMo, while acting within the scope of their practice;

(4) "Insurance carrier", any person, firm, corporation, association or aggregation of persons conducting an insurance business pursuant to chapter 375, 376, 377, 378, 379, 380, 381, or 383, RSMo;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 (5) "Other institution", a legal entity existing pursuant to the laws of this state which  
16 delivers treatment, care or maintenance to patients who are sick or injured;

17 (6) "Patient", any person to whom a health practitioner, hospital, clinic or other  
18 institution delivers treatment, care or maintenance for sickness or injury caused by a tort-feasor  
19 from whom such person seeks damages or any insurance carrier which has insured such  
20 tort-feasor.

21 2. Clinics, health practitioners and other institutions, as defined in this section, shall have  
22 the same rights granted to hospitals in sections 430.230 to 430.250.

23 3. If the liens of such health practitioners, hospitals, clinics or other institutions exceed  
24 fifty percent of the amount due the patient, every health care practitioner, hospital, clinic or other  
25 institution giving notice of its lien, as aforesaid, shall share in up to fifty percent of the net  
26 proceeds due the patient, in the proportion that each claim bears to the total amount of all other  
27 liens of health care practitioners, hospitals, clinics or other institutions. "Net proceeds", as used  
28 in this section, means the amount remaining after the payment of contractual attorney fees, if any,  
29 and other expenses of recovery.

30 4. In administering the lien of the health care provider, the insurance carrier may pay the  
31 amount due secured by the lien of the health care provider directly, if the claimant authorizes it  
32 and does not challenge the amount of the customary charges or that the treatment provided was  
33 for injuries caused by the tort-feasor.

34 5. Any health care provider electing to receive benefits hereunder releases the claimant  
35 from further liability on the cost of the services and treatment provided to that point in time.

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