

HOUSE No. 1631

By Mr. O’Flaherty of Chelsea, petition of Eugene L. O’Flaherty relative to the enforcement of certain liens in personal injury actions involving hospitals. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO PROVIDING FOR THE EQUITABLE APPORTIONMENT OF CERTAIN LIENS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 Section 70A of Chapter 111 of the General Laws, as appearing in
- 2 the 2000 Official Edition, is hereby amended by inserting after the
- 3 first sentence the following sentence:—
- 4 Further, the expenses incurred by the injured person in enforcing
- 5 the liability of the tortfeasor(s), including but not limited to attor-
- 6 ney’s fees and court costs, shall be shared at the time of settlement,
- 7 judgment, and/or compromise by the above-defined hospital, health
- 8 maintenance organization or hospital, medical or dental service cor-
- 9 poration in proportion to the amount of their lien.