

HOUSE No. 1651

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 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 2004 Official Edition, is hereby amended by inserting after the
3 first sentence the following sentence:—
4 The expense of any attorney’s fees and costs incurred in enforcing
5 the liability of the tortfeasor and in obtaining such judgment, com-
6 promise or settlement shall be divided between the health mainte-
7 nance organization, or hospital, medical or dental service
8 corporation and the injured person in proportion to the amounts
9 received by them from any such judgment, settlement or compro-
10 mise.