

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 49

Short Title: Supply Medical Records/Lien.

(Public)

Sponsors: Representatives Cromer; and Flaherty.

Referred to: Judiciary.

January 19, 1989

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THAT A PATIENT MAY OBTAIN WITHOUT CHARGE MEDICAL RECORDS RELATING TO SERVICES FOR WHICH A LIEN HAS BEEN CREATED.

The General Assembly of North Carolina enacts:

Section 1. G.S. 44-49 reads as rewritten:

"§ 44-49. Lien created; applicable to persons non sui juris.

From and after March 26, 1935, there is hereby created a lien upon any sums recovered as damages for personal injury in any civil action in this State, the said lien in favor of any person, corporation, municipal corporation or county to whom the person so recovering, or the person in whose behalf the recovery has been made, may be indebted for drugs, medical supplies, ambulance services, and medical services rendered by any physician, dentist, trained nurse, or hospitalization, or hospital attention and/or services rendered in connection with the injury in compensation for which the said damages have been recovered. Where damages are recovered for and in behalf of minors or persons non compos mentis, such liens shall attach to the sum recovered as fully as if the said person were sui juris.

Notwithstanding the provisions of paragraph 1 of this section, no lien therein provided for shall be valid with respect to any claims whatsoever unless the person or corporation entitled to the lien therein provided for shall file a claim with the clerk of the court in which said civil action is instituted within 30 days after the institution of such action and further provided that the physician, dentist, trained nurse, hospital or such other person as has a lien hereunder shall, without charge to the attorney or patient as a condition precedent to the creation of such lien, furnish upon request to the attorney

1 representing the person in whose behalf the claim for personal injury is made, an  
2 itemized statement, hospital record, ~~or~~ and medical report for the use of such attorney in  
3 the negotiation settlement or trial of the claim arising by reason of the personal injury.

4 No liens of the character provided for in the first paragraph of this section shall  
5 hereafter be valid with respect to money that may be recovered in any pending civil  
6 actions in this State unless claims based on such liens are filed with the clerk of the  
7 court in which the action is pending within 90 days after April 5, 1947.

8 No action shall lie against any clerk of court or any surety on any clerk's bond to  
9 recover any claims based upon any lien or liens created by the first paragraph of this  
10 section when recovery has heretofore been had by the person injured, and no claims  
11 against such recovery were filed with the clerk by any person or corporation, and the  
12 clerk has otherwise disbursed according to law the money recovered in such action for  
13 personal injuries."

14 Sec. 2. This act is effective upon ratification.