

2A:44-36

April 30, 1971

LEGISLATIVE HISTORY OF R.S. 2A:44-36 to 46  
(Permits nursing homes to obtain medical liens)

No similar bills introduced, 1965-1970.

L. 1970, Chapter 135 - A214  
Pre-filed by Mabie.  
No statement.  
Not amended during passage.

No hearings or reports were located.

No clippings located at V.F. - N.J. - Nursing Homes '69-'70.

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**ASSEMBLY, No. 214**

**STATE OF NEW JERSEY**

PRE-FILED FOR INTRODUCTION IN THE 1970 SESSION

By Assemblyman MABIE

AN ACT concerning nursing home liens, supplementing chapter 44 of Title 2A of the New Jersey Statutes and amending sections 2A :44-36, 2A :44-40, 2A :44-41, 2A :44-42, 2A :44-43, 2A :44-45 and 2A :44-46 of the New Jersey Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. Section 2A :44-36 of the New Jersey Statutes is amended to  
2 read as follows:

3 2A :44-36. Every hospital *and nursing home* in this State, and  
4 every licensed physician or dentist practicing in this State, shall  
5 have a lien in the manner set forth in this article for services  
6 rendered, by way of treatment, care or maintenance after, to any  
7 person who shall have sustained personal injuries in an accident  
8 as a result of the negligence or alleged negligence of any other  
9 person.

1 2. Section 2A :44-40 of the New Jersey Statutes is amended to  
2 read as follows:

3 2A :44-40. No hospital, *nursing home*, physician or dentist shall  
4 be entitled to a lien under this article where the person was injured  
5 as a result of an accident coming within the scope of any workmen's  
6 compensation law.

1 3. Section 2A :44-41 of the New Jersey Statutes is amended to  
2 read as follows:

3 2A :44-41. No hospital, *nursing home*, physician or dentist shall  
4 be entitled to a lien under this article, unless a notice in writing  
5 containing the name and address of the injured person, the date  
6 and location of the accident, the date of the first treatment, care or  
7 maintenance, the name and address of the hospital, *nursing home*,  
8 physician or dentist, and, if ascertainable by reasonable diligence,  
9 the names and addresses of the persons alleged to be liable for  
10 damages sustained by such injured person, shall be filed in the  
11 office of the county clerk of the county in which such injuries shall

12 have occurred, prior to the payment of any moneys to such injured  
13 person or his legal representatives as damages for such injuries,  
14 but in no event later than 90 days after the date of such first treat-  
15 ment, care or maintenance.

16 Every county clerk shall, at the expense of the county, provide  
17 a suitable, well-bound book, to be called the hospital lien docket  
18 and a similar book to be called the physician and dentist lien docket  
19 and shall enter therein respectively any liens claimed under this  
20 article.

21 As to each claim filed there shall be entered in the proper book  
22 the name of the injured person, the date of the accident, the name  
23 of the hospital, *nursing home*, physician or dentist making the  
24 claim, as the case may be, and the name of the person alleged to be  
25 responsible for the injury.

26 The county clerk shall make a proper index for each book in the  
27 name of the injured person. The county clerk shall for filing each  
28 notice of a lien claim, and for each search in his office, receive the  
29 fees fixed by law.

1 4. Section 2A:44-42 of the New Jersey Statutes is amended to  
2 read as follows:

3 2A:44-42. Within 10 days after the filing of the notice of lien,  
4 the hospital, *nursing home*, physician or dentist shall send by regis-  
5 tered mail or serve personally, a copy of such notice with a state-  
6 ment of the date of the filing thereof to or upon the injured person  
7 and the person alleged to be liable for damages sustained by such  
8 injured person, if such name and address can be ascertained by  
9 reasonable diligence. If the hospital, *nursing home*, physician or  
10 dentist shall neglect to give such notice where the name and ad-  
11 dress of the person injured or the person allegedly causing the  
12 injury are known or should be known, the lien shall be void.

1 5. Section 2A:44-43 of the New Jersey Statutes is amended to  
2 read as follows:

3 2A:44-43. After the filing and service of the notice of lien, as  
4 provided by this article, no release of any judgment, claim or de-  
5 mand by the injured persons shall be valid or effectual as against  
6 such lien and the person making any payment to such injured  
7 person or his legal representatives, as compensation for the in-  
8 juries sustained shall be for a period of 1 year from the date of  
9 such payment, remain liable to the hospital, *nursing home*,  
10 physician or dentist for the amount of the lien and any such hos-  
11 pital, *nursing home*, physician or dentist within such period may  
12 enforce such lien by action against the person making any such  
13 payment. In any such action the defendant may contest the charges

14 by the hospital, *nursing home*, physician, or dentist, if not in ac-  
15 cordance with this article.

1 6. Section 2A:44-45 of the New Jersey Statutes is amended to  
2 read as follows:

3 2A:44-45. Any person, legally liable or against whom a claim is  
4 asserted for damages for injuries sustained, shall, upon written  
5 request, be furnished by any hospital or *nursing home* asserting a  
6 lien under this article with an itemized statement of the charges  
7 and services rendered therefor to date and shall be permitted  
8 to examine the records of the hospital or *nursing home* in reference  
9 to the treatment, care and maintenance of the injured person  
10 therein. Failure of the hospital or *nursing home* to provide such  
11 statement or permit such examination shall constitute a valid de-  
12 fense in an action brought to enforce a lien under this article.

1 7. Section 2A:44-46 of the New Jersey Statutes is amended to  
2 read as follows:

3 2A:44-46. Any hospital, *nursing home*, physician or dentist hav-  
4 ing filed a lien under this article, shall upon payment or release  
5 thereof, file or cause to be filed in the office of the county clerk  
6 wherein the lien is filed, a duly acknowledged certificate of such  
7 payment or release and authorizing the county clerk to discharge  
8 the lien. Thereupon such clerk shall file said certificate in the  
9 name of the injured person, and the lien shall be discharged. For  
10 this service the clerk shall be paid the fee fixed by law.

1 8. The amount of the lien by a nursing home for care and main-  
2 tenance of an injured person shall be based on the minimum per  
3 diem rate charged by the nursing home for ordinary patient care  
4 up to the date of payment of moneys or compensation to the in-  
5 jured party.

1 9. This act shall take effect immediately.