

Joint Committee on Financial Services
The 194th General Court of the Commonwealth of Massachusetts
2025-2026
Bill Summary

Bill No: H1129

Title: An Act to conform private with public subrogation policy

Sponsor: Rep. Marjorie C. Decker

Hearing Date: May 13, 2025

Reporting Date: July 12, 2025

Similar Matters: N/A

Prior History:

H952 (2019-2020) Study

H1058 (2021-2022) Study

H987 (2023-2024) Study

Current Law:

Section 70A of chapter 111 of General Laws of Massachusetts provides for liens by hospitals for health services charges.

MA hospital can claim a lien on cost of treatment or a right to get paid back for the medical care they provided. The lien applies to the money the injured person might receive from a lawsuit or settlement related to the accident. However, the hospital can only claim the amount that would be charged for basic care in a hospital ward. Health organizations or insurance companies that covered the injured person's medical bills can also claim a lien. Lawyers' fees take priority over these liens. Once a settlement or judgment is finalized, the hospital can't claim additional charges.

Section 70D of said chapter 111 requires hospitals to furnish upon request an itemized statement of all charges of the lien.

If someone is notified about a hospital lien and sends a certified written request for details, the hospital must provide a certified, itemized list of charges within 10 days. If the patient is still in the hospital, the hospital has 10 days after the patient is discharged to send the statement. If the hospital doesn't follow these rules, the lien is canceled, and no one is responsible for paying it.

Summary:

Aims to bring private health insurers in line with public health insurers with respect to the management of medical liens in cases where an injured person wins a personal injury award either through trial or settlement. Private health insurers would be required to divide costs and expenses with the plaintiff related to pursuit of a personal injury claim like with public health insurers.

Would require hospitals, HMO's, medical and/or dental services corporations, and plaintiffs to equally divide the costs and expenses when pursuing a personal injury claim. This would still allow health insurers to recoup equitable amount of the medical bills as determined by the court, but would require the "lienholder" to pay a fair share of attorney's fees and expenses associated with recovering the judgment or settlement.