

TITLE 45
LIENS, MORTGAGES AND PLEDGES

CHAPTER 7
HOSPITAL AND NURSING CARE LIENS

45-701. RIGHT TO LIEN CONFERRED. Every individual, partnership, firm, association, corporation, institution or any governmental unit or combination or parts thereof maintaining and operating a hospital in this state shall be entitled to a lien for the reasonable charges for hospital care, treatment and maintenance of an injured person upon any and all causes of action, suits, claims, counterclaims, or demands accruing to the person to whom such care, treatment, or maintenance was furnished, or to the legal representatives of such person, on account of injuries giving rise to such causes of action and which necessitated such hospital care, treatment and maintenance.

[45-701, added 1941, ch. 118, sec. 1, p. 238.]

45-702. PERFECTING LIEN -- STATEMENT OF CLAIM -- CONTENTS -- FILING. In order to perfect such lien, an officer or agent of such hospital, before, or within ninety (90) days after, such person shall have been discharged therefrom, shall file in the office of the recorder of the county in which such hospital shall be located a verified statement in writing setting forth the name and address of such patient, as it shall appear on the records of such hospital, the name and location of such hospital, and the name and address of the officer or agent of such hospital filing the lien, the dates of admission to and discharge of such patient therefrom, the amount claimed to be due for such hospital care, and, to the best of claimant's knowledge, the names and addresses of all persons, firms, or corporations claimed by such injured person or the legal representative of such person, to be liable for damages arising from such injuries; such claimant shall also, within one (1) day after the filing of such claim or lien, mail a copy thereof, postage prepaid, to each person, firm, or corporation so claimed to be liable for such damages, at the address so given in such statement. The filing of such claim or lien shall be notice thereof to all persons, firms or corporations liable for such damages, whether or not they are named in such claim or lien.

[45-702, added 1941, ch. 118, sec. 2, p. 238; am. 1967, ch. 65, sec. 1, p. 147.]

45-703. RECORDING AND INDEXING LIEN. The recorder shall endorse thereon the date and hour of recording and, at the expense of the county, shall provide a hospital lien book with proper index in which he shall enter the date and hour of such recording, the name and address of such hospital and of such patient, the amount claimed and the names and addresses of those claimed to be liable for damage. Such recorder shall be paid the sum as provided by section [31-3205](#), Idaho Code.

[45-703, added 1941, ch. 118, sec. 3, p. 238; am. 1984, ch. 30, sec. 1, p. 51.]

45-704. RELEASE OF LIEN -- ACTION TO ENFORCE LIEN. No release of such causes of action, or any of them, or of any judgment thereon, shall be valid

or effectual as against such lien unless such lien holder shall join therein, or execute a release of such lien, and the claimant, or assignee of such lien may enforce such lien by an action against the person, firm or corporation liable for such damage, which action shall be commenced and tried in the county in which such lien shall be filed, unless ordered removed to another county by the court for cause. If the claimant shall prevail in such action, the court may allow reasonable attorney's fees and disbursements. Such action shall be commenced within two (2) years after the filing of such lien.

[45-704, added 1941, ch. 118, sec. 4, p. 238.]

45-704A. LIENS FOR NURSING CARE. Every person licensed under the laws of the state of Idaho to render nursing care shall be entitled to a lien for the reasonable charges for nursing care and treatment rendered an injured person upon any and all causes of action, suits, claims, counterclaims, or demands accruing to the person to whom such care and treatment was furnished, or to the legal representatives of such person, on account of injuries giving rise to such causes of action and which necessitate such nursing care and treatment; said lien shall be perfected in the form and manner as provided in section [45-702](#), Idaho Code; said lien shall be recorded and indexed in the manner provided in section [45-703](#), Idaho Code; said lien shall be enforced and/or released in the manner provided in section [45-704](#), Idaho Code; and if the claimant of said lien shall prevail in an action to enforce said lien, the court may allow reasonable attorney's fees and disbursements.

[45-704A, added 1961, ch. 21, sec. 1, p. 23.]

45-704B. LIENS FOR MEDICAL CARE. Every individual or association licensed or incorporated under the laws of the state of Idaho to practice medicine and surgery (hereinafter "physician") shall be entitled to a lien for the reasonable charges for medical care and treatment rendered an injured person upon any and all causes of action, suits, claims, counterclaims, or demands accruing to the person to whom such care and treatment was furnished, or to the legal representatives of such person, on account of injuries giving rise to such causes of action and which necessitate such medical care and treatment. In order to perfect the lien, the physician or his agent shall, before or within ninety (90) days after the last date of medical services for the injury, file the lien in the same general form and manner as provided in section [45-702](#), Idaho Code, in the office of the recorder of the county in which the physician rendered the services. The lien shall be recorded and indexed in the manner provided in section [45-703](#), Idaho Code. The lien shall be enforced and/or released in the manner provided in section [45-704](#), Idaho Code. If the claimant of the lien shall prevail in an action to enforce the lien, the court may allow reasonable attorney's fees and disbursements.

[45-704B, added 1979, ch. 302, sec. 1, p. 822.]

45-705. WORKMEN'S COMPENSATION CASES EXCEPTED FROM ACT. The provisions of this act shall not be applicable to accidents or injuries within the purview of the Workmen's Compensation Law of this state.

[45-705, added 1941, ch. 118, sec. 5, p. 238.]