

NON-HOSPITAL HEALTH CARE PROVIDER'S LIEN IS INVALID IF NOT PERFECTED WITHIN 30 DAYS AFTER FIRST PROVIDING SERVICE

August 30, 2016 | Law Alerts, News

Premier Physicians Group v. Navarro
Arizona Supreme Court, August 30, 2016

Here the Supreme Court addressed the deadline by which a non-hospital health care provider must perfect its lien to secure payment of its charges. The court of appeals had held that the lien may be perfected within 30 days of the provider's last treatment. The Supreme Court vacated that decision, holding that under the plain language of the lien statute, A.R.S. § 33-932(A), the lien must be perfected within 30 days after the health care provider first provides services or else the lien is invalid.

In this case, Premier treated Gipson for injuries sustained in a car accident that Navarro allegedly caused. Gipson was treated between June and October, 2011. It was not until September, 2011 that Premier recorded its lien to secure the payment of \$12,000 in services. In March, 2013, Navarro's insurer paid Gipson to settle her claim, but did not satisfy the lien. And Gipson failed to pay for the services.

Premier sued the Navarros to enforce the lien, as the statute allows. The Navarros moved to dismiss the action on the ground that the lien was invalid because it was recorded more than thirty days after Premier first provided services to Gipson. Reviewing the statutory language, the Supreme Court agreed with Navarro and affirmed the dismissal of Premier's complaint. The court also noted that the statutes treat hospitals differently. As for non-hospital health care providers, however, A.R.S. § 33-932(A) states that the lien must be filed "before or within thirty days after the patient has received any services."

The lesson from this case is that defense counsel might want to check into plaintiffs' claims that they are subject to non-hospital health care provider liens. Those liens could be invalid.

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