

# House Bill 2710

Sponsored by Representative GILMAN; Representatives BENTZ, ESQUIVEL, ROBLAN, THATCHER, Senator ATKINSON (at the request of Dee Berman)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Changes record to be used by county in recording long term care lien or recording discharge or release of long term care lien.

## A BILL FOR AN ACT

1  
2 Relating to liens claimed by long term care facilities; creating new provisions; and amending ORS  
3 87.517 and 87.539.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 87.517 is amended to read:

6 87.517. The recording officer of the county shall record the notices filed under ORS 87.507 in the  
7 **statutory lien** record [*of deeds and mortgages*].

8 **SECTION 2.** ORS 87.539 is amended to read:

9 87.539. (1) When a long term care facility receives payment from an individual, an individual's  
10 estate, the State of Oregon or any other source for the care claimed in a notice of lien filed under  
11 ORS 87.507, the long term care facility shall file with the recording officer of the county in which  
12 the notice of lien was filed a certificate declaring that payment has been received and that the lien  
13 is discharged.

14 (2) Within 20 days after being notified that the individual is eligible for Medicaid, the long term  
15 care facility shall file with the recording officer of the county in which the notice of lien was filed  
16 a certificate releasing the claim of lien upon any property protected under ORS 87.533.

17 (3) The recording officer of the county shall record the certificate of discharge or release in the  
18 [*appropriate*] **statutory** lien [*docket*] **record**.

19 (4) If, after receiving payment for the care claimed in a notice of lien filed under ORS 87.507,  
20 a long term care facility fails to discharge the lien or release the claim of lien within 10 days, the  
21 long term care facility is liable to the individual or to the spouse or the estate of the individual for  
22 \$100 or the amount of actual damages, whichever amount is greater.

23 (5) In all actions brought under this section, the court may allow reasonable attorney fees at  
24 trial and on appeal to the prevailing party.

25 **SECTION 3.** **The amendments to ORS 87.517 and 87.539 by sections 1 and 2 of this 2009**  
26 **Act apply to liens under ORS 87.503 that the recording officer of a county records on or after**  
27 **the effective date of this 2009 Act and to discharges or releases of those liens.**

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**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.