

SUMMARY STATEMENT

DeKlotz v. NS Support

Docket No. 51326-2023

Guy DeKlotz appealed from the judgment of the district court dismissing his claim that Paul Montalbano, M.D., and NS Support, LLC, dba Neuroscience Associates (“NSA”), improperly filed a medical lien against his interest in a personal injury case. DeKlotz was injured in a car accident. He was transported to St. Alphonsus Regional Medical Center. Montalbano, a medical doctor and co-owner of NSA, was the on-call trauma neurosurgeon for St. Alphonsus that night. Montalbano surgically repaired spinal fractures that DeKlotz suffered from the accident.

Although DeKlotz had health insurance, Montalbano and NSA did not bill insurance and instead filed a medical lien under Idaho Code section 45-704B for \$183,829.60. DeKlotz challenged the lien, claiming that it violated the Idaho Patient Act (“IPA”) because Montalbano did not bill his insurance before filing the lien.

The district court dismissed DeKlotz’s IPA claim on summary judgment. It determined that compliance with the IPA was not required before a medical lien is filed pursuant to Idaho Code section 45-704B. DeKlotz appealed, arguing that the plain language of the IPA required Montalbano to submit the bill to his insurance before filling a medical lien.

The Idaho Supreme Court held that Montalbano’s lien constituted an “extraordinary collection action” under the IPA and was therefore subject to the requirements of the IPA. Because Montalbano did not bill DeKlotz’s insurance prior to engaging in an extraordinary collection action, the lien violated the IPA and was thus invalid. The Court reversed the district court’s order denying DeKlotz’s motion for summary judgment, vacated the district court’s entry of judgment in favor of Montalbano, and directed the district court to enter judgment in favor of DeKlotz on remand.

This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.