

SENATE BILL No. 313

May 5, 2015, Introduced by Senator KNOLLENBERG and referred to the Committee on Insurance.

A bill to amend 1956 PA 218, entitled
"The insurance code of 1956,"
by amending sections 3157 and 3610a (MCL 500.3157 and 500.3610a),
section 3610a as added by 1984 PA 65, and by adding section 3406t.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3157. (1) A physician, hospital, clinic, or other person
2 ~~or institution~~ **THAT** lawfully ~~rendering~~ **RENDERS** treatment to an
3 injured person for an accidental bodily injury covered by personal
4 protection insurance, ~~and~~ **OR** a person ~~or institution~~ ~~providing~~ **THAT**
5 **PROVIDES** rehabilitative occupational training following ~~the~~ **SUCH AN**
6 injury, ~~may charge~~ **MUST BE REIMBURSED** a reasonable amount for the
7 products, services, ~~and~~ **OR** accommodations rendered. ~~The charge~~
8 ~~shall not exceed~~

9 (2) **A PERSON THAT RENDERS TREATMENT AS DESCRIBED IN SUBSECTION**
10 (1) **MUST NOT BE REIMBURSED AN AMOUNT THAT EXCEEDS** the amount the

1 person ~~or institution~~ IS customarily charges ~~REIMBURSED~~ for like
2 products, services, and ~~OR~~ accommodations. ~~in cases not involving~~
3 ~~insurance.~~

4 (3) A PERSON THAT RENDERS TREATMENT AS DESCRIBED IN SUBSECTION
5 (1) SHALL NOT SEEK REIMBURSEMENT IN AN AMOUNT THAT EXCEEDS THE
6 AMOUNT THE PERSON CUSTOMARILY IS PAID FOR RENDERING LIKE TREATMENT
7 TO INJURED PERSONS FOR SIMILAR BODILY INJURIES THAT DO NOT ARISE
8 FROM THE OWNERSHIP, OPERATION, MAINTENANCE, OR USE OF A MOTOR
9 VEHICLE AS A MOTOR VEHICLE.

10 (4) IF A PERSON THAT RENDERS TREATMENT AS DESCRIBED IN
11 SUBSECTION (1) HAS PREVIOUSLY RECEIVED PAYMENT FROM AN INSURER,
12 HEALTH MAINTENANCE ORGANIZATION, THIRD-PARTY ADMINISTRATOR, OR
13 OTHER SIMILAR PERSON THAT PROVIDED HEALTH AND ACCIDENT COVERAGE
14 THAT IS COORDINATED UNDER SECTION 3109A FOR TREATMENT RENDERED TO
15 THE INJURED PERSON FOR THE SAME INJURY ARISING FROM THE OWNERSHIP,
16 OPERATION, MAINTENANCE, OR USE OF A MOTOR VEHICLE AS A MOTOR
17 VEHICLE AND IF THE BENEFITS UNDER THE OTHER HEALTH AND ACCIDENT
18 COVERAGE HAVE BEEN EXHAUSTED, THE PERSON SHALL NOT SEEK
19 REIMBURSEMENT FROM THE INSURER PROVIDING THE SECURITY REQUIRED
20 UNDER SECTION 3101(1) IN AN AMOUNT THAT EXCEEDS THE AMOUNT THE
21 PERSON PREVIOUSLY WAS PAID FOR THE SAME OR SIMILAR TREATMENT BY THE
22 OTHER INSURER, HEALTH MAINTENANCE ORGANIZATION, THIRD-PARTY
23 ADMINISTRATOR, OR OTHER SIMILAR PERSON.

24 (5) AS USED IN THIS SECTION, "PERSON", AS PROVIDED IN SECTION
25 114, INCLUDES AN INDIVIDUAL, INCLUDING A PHYSICIAN, AND ALSO ANY
26 OTHER LEGAL ENTITY, INCLUDING A HOSPITAL, CLINIC, OR OTHER
27 INSTITUTION.

1 SEC. 3406T. (1) AN EXPENSE-INCURRED HOSPITAL, MEDICAL, OR
2 SURGICAL GROUP OR INDIVIDUAL POLICY OR CERTIFICATE THAT IS
3 DELIVERED, ISSUED FOR DELIVERY, OR RENEWED IN THIS STATE AND A
4 HEALTH MAINTENANCE ORGANIZATION GROUP OR INDIVIDUAL CONTRACT MUST
5 NOT DENY OR LIMIT HEALTH COVERAGE TO AN INSURED OR ENROLLEE SOLELY
6 BECAUSE THE INSURED OR ENROLLEE SUFFERS ACCIDENTAL BODILY INJURY
7 ARISING OUT OF THE OWNERSHIP, OPERATION, MAINTENANCE, OR USE OF A
8 MOTOR VEHICLE AS A MOTOR VEHICLE OR IS ELIGIBLE FOR PERSONAL
9 PROTECTION INSURANCE BENEFITS UNDER CHAPTER 31.

10 (2) THIS SECTION DOES NOT PREVENT THE INCLUSION IN A POLICY,
11 CERTIFICATE, OR CONTRACT LISTED IN SUBSECTION (1) OF A PROVISION
12 STATING THAT THE POLICY, CERTIFICATE, OR CONTRACT IS SECONDARY TO
13 AN AUTOMOBILE INSURANCE POLICY IF THE AUTOMOBILE INSURANCE POLICY
14 IS NOT COORDINATED AS PROVIDED IN SECTION 3109A.

15 (3) THIS SECTION DOES NOT APPLY TO A POLICY, CERTIFICATE, OR
16 CONTRACT RELATED TO THE PROVISION OF BENEFITS UNDER MEDICARE OR
17 MEDICAID.

18 (4) AS USED IN THIS SECTION:

19 (A) "ACCIDENTAL BODILY INJURY" MEANS THAT TERM AS DESCRIBED IN
20 SECTION 3105.

21 (B) "AUTOMOBILE INSURANCE" MEANS THAT TERM AS DEFINED IN
22 SECTION 2102.

23 (C) "BODILY INJURY" MEANS THAT TERM AS DESCRIBED IN SECTION
24 3105.

25 (D) "MOTOR VEHICLE" MEANS THAT TERM AS DEFINED IN SECTION
26 3101.

27 Sec. 3610a. (1) ~~A~~—EXCEPT AS PROVIDED IN SECTION 3406T, A group

1 disability insurance policy may contain provisions for the
2 coordination of benefits otherwise payable under the policy with
3 benefits payable for the same loss under other group insurance;
4 automobile medical payments insurance; or coverage provided on a
5 group basis by hospital, medical, or dental service organizations,
6 by union welfare plans, or employee or employer benefit
7 organizations.

8 (2) If a group disability insurance policy contains a
9 coordination of benefits provision, the benefits ~~shall be~~ **ARE**
10 payable pursuant to the coordination of benefits act.

11 Enacting section 1. (1) This amendatory act takes effect 90
12 days after the date it is enacted into law.

13 (2) This amendatory act applies to policies, certificates, and
14 contracts delivered, executed, issued, amended, adjusted, or
15 renewed in this state, or outside of this state if covering
16 residents of this state, beginning after the date this amendatory
17 act is enacted into law.