

# HOUSE BILL No. 5108

October 12, 2017, Introduced by Reps. Frederick, Canfield, Marino, Lasinski, LaGrand, Moss, Brinks, Camilleri, Wittenberg, Chang, Ellison, Green, Sabo, Liberati, Sowerby, Sneller, Pagan, Faris, Byrd, Scott, Hammoud, Geiss, Elder, Greimel, Hertel, Yanez, Robinson, Gay-Dagnogo and Jones and referred to the Committee on Insurance.

A bill to amend 1956 PA 218, entitled  
"The insurance code of 1956,"  
(MCL 500.100 to 500.8302) by adding sections 3107c and 3107d.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           **SEC. 3107C. (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,**  
2           **PAYMENT FOR ALLOWABLE EXPENSES UNDER SECTION 3107(1) (A) FOR**  
3           **ATTENDANT CARE PROVIDED IN THE HOME BY A FAMILY OR HOUSEHOLD MEMBER**  
4           **IS LIMITED TO \$15.00 PER HOUR, UNLESS THE INJURED PERSON HAS A**  
5           **SPINAL CORD INJURY OR CLOSED HEAD INJURY OR A LICENSED ALLOPATHIC**  
6           **OR OSTEOPATHIC PHYSICIAN WHO REGULARLY DIAGNOSES OR TREATS BRAIN**  
7           **INJURY HAS STATED UNDER OATH THAT THE INJURED PERSON MAY HAVE A**  
8           **SERIOUS NEUROLOGICAL INJURY. BEGINNING 3 YEARS AFTER THE EFFECTIVE**  
9           **DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION AND EVERY 3**

1 YEARS AFTER THAT DATE, THE DIRECTOR SHALL ADJUST THIS AMOUNT TO  
2 REFLECT THE AGGREGATE PERCENTAGE CHANGE IN THE UNITED STATES  
3 CONSUMER PRICE INDEX, ROUNDED TO THE NEAREST 10 CENTS.

4 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, PAYMENT FOR  
5 ALLOWABLE EXPENSES UNDER SECTION 3107(1) (A) FOR ATTENDANT CARE  
6 PROVIDED IN THE HOME BY SOMEONE OTHER THAN A FAMILY OR HOUSEHOLD  
7 MEMBER IS LIMITED TO A TOTAL OF 24 HOURS PER DAY FOR SERVICES  
8 PERFORMED BY 1 OR MORE INDIVIDUALS.

9 (3) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4), (5), OR  
10 (6), PAYMENT FOR ATTENDANT CARE PROVIDED BY A FAMILY OR HOUSEHOLD  
11 MEMBER AND SOMEONE OTHER THAN A FAMILY OR HOUSEHOLD MEMBER IS  
12 CUMULATIVELY LIMITED TO 24 HOURS PER DAY.

13 (4) THE LIMITATIONS IN SUBSECTIONS (1) TO (3) DO NOT APPLY IF  
14 THE FAMILY OR HOUSEHOLD MEMBER IS LICENSED OR OTHERWISE AUTHORIZED  
15 TO RENDER THE ATTENDANT CARE UNDER PART 170, 172, 175, 178, 183, OR  
16 187 OF THE PUBLIC HEALTH CODE OF 1978, 1978 PA 368, MCL 333.17001  
17 TO 333.17084, 333.17201 TO 333.17242, 333.17501 TO 333.17556,  
18 333.17801 TO 333.17827, 333.18301 TO 333.18315, AND 333.18701 TO  
19 333.18713, OR IS EMPLOYED BY AN INDIVIDUAL OR AGENCY RENDERING THE  
20 CARE.

21 (5) NOTWITHSTANDING THE LIMITATIONS IN THIS SECTION, AN  
22 INSURER OR THE CATASTROPHIC CLAIMS ASSOCIATION CREATED UNDER  
23 SECTION 3104 MAY CONTRACT WITH A FAMILY OR HOUSEHOLD MEMBER TO  
24 PROVIDE ATTENDANT CARE AS AN ALLOWABLE EXPENSE AT ANY RATE AND FOR  
25 ANY NUMBER OF HOURS PER WEEK.

26 (6) AN INJURED PERSON OR THE INJURED PERSON'S REPRESENTATIVE  
27 MAY REQUEST A MEDICAL REVIEW TO REVIEW THE LIMITATIONS IN THIS

1 SECTION. IF THE MEDICAL REVIEW DETERMINES THAT THE INJURED PERSON  
2 REQUIRES ATTENDANT CARE THAT EXCEEDS THE LIMITATIONS IN THIS  
3 SECTION TO PROVIDE ADEQUATE TREATMENT, THE ADDITIONAL CARE IS AN  
4 ALLOWABLE EXPENSE UNDER SECTION 3107(1) (A) .

5 (7) THIS SECTION APPLIES TO A CLAIM FOR ACCIDENTAL BODILY  
6 INJURY THAT ARISES FROM AN ACCIDENT THAT OCCURS AFTER DECEMBER 31,  
7 2017.

8 SEC. 3107D. AN INSURER MAY CONTRACT WITH A PERSON TO PERFORM  
9 SERVICES ON BEHALF OF THE INSURER FOR THE PROVISION OF PRODUCTS,  
10 SERVICES, OR OTHER ACCOMMODATIONS AND THE PAYMENT OF EXPENSES,  
11 WHICH MAY BE PAID PROSPECTIVELY AND IN ADVANCE BY THE INSURER.  
12 REGARDLESS OF THE TERMS OF ANY CONTRACT ENTERED INTO AND ANY  
13 FAILURE BY THE CONTRACTOR TO PERFORM UNDER THE CONTRACT, THE  
14 INSURER REMAINS LIABLE FOR PAYMENTS OF BENEFITS REQUIRED UNDER THIS  
15 CHAPTER AND THE INJURED PERSON RETAINS THE RIGHT TO CHOOSE HIS OR  
16 HER OWN PROVIDER OF PRODUCTS, SERVICES, AND ACCOMMODATIONS.