

HOUSE BILL No. 5219

October 3, 1991, Introduced by Reps. Hertel, Bennane, Gire, Scott, Hunter, Yokich, Palamara, Gubow, Barns and Rocca and referred to the Committee on Public Health

A bill to amend sections 3152 and 3158 of Act No. 218 of the Public Acts of 1956, entitled as amended

"The insurance code of 1956,"

being sections 500.3152 and 500.3158 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 3152 and 3158 of Act No. 218 of the
2 Public Acts of 1956, being sections 500.3152 and 500.3158 of the
3 Michigan Compiled Laws, are amended to read as follows:

4 Sec. 3152. (1) If requested by a person examined UNDER
5 SECTION 3151, ~~a party causing an~~ THE INSURER REQUIRING THE
6 examination ~~to be made~~ shall deliver to ~~him~~ THE PERSON a copy
7 of ~~every~~ EACH written report concerning the examination
8 rendered by an examining physician. ~~at~~ AT least 1 of ~~which~~

1 THE reports shall set out ~~his~~ THE EXAMINING PHYSICIAN'S
2 findings and conclusions in detail.

3 (2) After ~~such request and delivery, the party causing the~~
4 ~~examination to be made is entitled upon request to receive~~
5 DELIVERING THE REPORTS UNDER SUBSECTION (1), THE INSURER REQUIR-
6 ING THE EXAMINATION MAY REQUEST from the person examined ~~every~~
7 EACH written report available to ~~him~~ THAT PERSON or his OR HER
8 representative concerning any OTHER examination relevant to the
9 claim ~~, previously or thereafter made,~~ of the same mental or
10 physical condition, and the names and addresses of physicians and
11 ~~medical care~~ HEALTH facilities rendering diagnoses or treatment
12 in regard to the ~~injury~~ MENTAL OR PHYSICAL CONDITION or to a
13 relevant past ~~injury, and~~ MENTAL OR PHYSICAL CONDITION.

14 (3) UPON RECEIPT OF A REQUEST MADE UNDER SUBSECTION (2), THE
15 PERSON EXAMINED UNDER SECTION 3151 shall authorize the insurer to
16 inspect and copy records of physicians, hospitals, clinics, or
17 other ~~medical~~ HEALTH facilities relevant to the claim. AN
18 AUTHORIZATION UNDER THIS SUBSECTION IS SUBJECT TO THE HEALTH CARE
19 INFORMATION ACT.

20 (4) By requesting and obtaining a report of the examination
21 ~~so ordered~~ UNDER SUBSECTION (1) or by taking the deposition of
22 the ~~examiner~~ EXAMINING PHYSICIAN, the person examined waives
23 any privilege he OR SHE may have, in relation to the claim for
24 benefits, regarding the testimony of every other ~~person~~ HEALTH
25 CARE PROVIDER who has examined or may ~~thereafter~~ SUBSEQUENTLY
26 examine ~~him~~ THE PERSON in ~~respect of~~ REGARD TO the same
27 mental or physical condition.

1 Sec. 3158. (1) ~~An employer, when a request is made~~ UPON
2 REQUEST by a personal protection insurer against whom a claim has
3 been made, AN EMPLOYER shall IMMEDIATELY furnish, ~~forthwith,~~ in
4 a form approved by the commissioner, ~~of insurance,~~ a sworn
5 statement of the earnings OF THE CLAIMANT since the time of the
6 accidental bodily injury and for a reasonable period before the
7 injury ~~, of the person~~ upon ~~whose injury~~ WHICH the claim is
8 based.

9 (2) ~~A~~ SUBJECT TO THE HEALTH CARE INFORMATION ACT, UPON
10 REQUEST BY A PERSONAL PROTECTION INSURER AGAINST WHOM A CLAIM IS
11 MADE, A physician, hospital, clinic, or other ~~medical~~
12 ~~institution~~ HEALTH FACILITY providing, before or after an acci-
13 dental bodily injury upon which ~~a~~ THE claim ~~for personal pro-~~
14 ~~tection insurance benefits~~ is based, any product, service, or
15 accommodation in relation to that or any other injury, or in
16 relation to a condition claimed to be connected with that or any
17 other injury ~~, if requested to do so by the insurer against whom~~
18 ~~the claim has been made, (a) shall furnish forthwith~~ SHALL DO
19 BOTH OF THE FOLLOWING:

20 (A) IMMEDIATELY FURNISH a written report of the history,
21 condition, treatment, and dates and costs of treatment of the
22 injured person. ~~and (b) shall produce forthwith~~

23 (B) IMMEDIATELY PRODUCE and permit inspection and copying of
24 its records regarding the CLAIMANT'S history, condition,
25 treatment, and dates and costs of treatment.