

Act No. 28
Public Acts of 1994
Approved by the Governor
February 26, 1994
Filed with the Secretary of State
February 28, 1994

**STATE OF MICHIGAN
87TH LEGISLATURE
REGULAR SESSION OF 1994**

Introduced by Senators Welborn and Schwarz

ENROLLED SENATE BILL No. 954

AN ACT to amend section 3104b of Act No. 218 of the Public Acts of 1956 entitled as amended An act to revise consolidate and classify the laws relating to the insurance and surety business to regulate the incorporation or formation of domestic insurance and surety companies and associations and the admission of foreign and alien companies and associations to provide their rights powers and immunities and to prescribe the conditions on which companies and associations organized existing or authorized under this act may exercise their powers to provide the rights powers and immunities and to prescribe the conditions on which other persons firms corporations associations risk retention groups and purchasing groups engaged in an insurance or surety business may exercise their powers to provide for the imposition of a privilege fee on domestic insurance companies and associations and the state accident fund to provide for the imposition of a tax on the business of foreign and alien companies and associations to provide for the imposition of a tax on risk retention groups and purchasing groups to provide for the imposition of a tax on the business of surplus line agents to modify tort liability arising out of certain accidents to provide for limited actions with respect to that modified tort liability and to prescribe certain procedures for maintaining those actions to require security for losses arising out of certain accidents to provide for the continued availability and affordability of automobile insurance and homeowners insurance in this state to facilitate the purchase of that insurance by all residents of this state at fair and reasonable rates and to provide for certain powers and duties upon certain persons as they affect the continued availability and affordability of that insurance to provide for certain reporting with respect to insurance and with respect to certain claims against uninsured or self insured persons to prescribe duties for certain state departments and officers with respect to that reporting to provide for certain assessments to establish and continue certain state insurance funds to modify and clarify the status rights powers duties and operations of the nonprofit malpractice insurance fund to provide for the departmental supervision and regulation of the insurance and surety business within this state to provide for the conservation rehabilitation or liquidation of unsound or insolvent insurers to provide for the protection of policyholders claimants and creditors of unsound or insolvent insurers to provide for associations of insurers to protect policyholders and claimants in the event of insurer insolvencies to prescribe educational requirements for insurance agents and solicitors to provide for the regulation of multiple employer welfare arrangements to create an automobile theft prevention authority to reduce the number of automobile thefts in this state to prescribe the powers and duties of the automobile theft prevention authority to provide certain powers and duties upon certain persons to provide certain powers and duties upon certain officials departments and authorities of this state to provide an appropriation to repeal certain acts and parts of acts to repeal certain acts and parts of acts on specific dates to repeal certain parts of this act on specific dates and to provide penalties for the violation of this act as added by Act No. 143 of the Public Acts of 1993 being section 500 3104b of the Michigan Compiled Laws

The People of the State of Michigan enact

Section 1 Section 3104b of Act No 218 of the Public Acts of 1956 as added by Act No 143 of the Public Acts of 1993 being section 500 3104b of the Michigan Compiled Laws is amended to read as follows

Sec 3104b (1) An automobile insurer shall use clinical care management for each insured whose personal protection insurance benefits are expected to exceed the current indemnification amount listed in section 3104(2)

(2) An automobile insurer shall do the following

(a) Develop clinical care management enrollment forms and procedures

(b) Develop procedures for an injured person to select a clinical care manager and for the insurer to appoint a clinical care manager for those injured persons who do not select a clinical care manager

(c) Neither appoint nor contract for clinical care management services with itself an entity in which it has a financial interest or another automobile insurer

(d) Require an injured person to designate a clinical care manager prior to authorizing payment for services

(e) Reimburse each clinical care manager reasonable fees for the development management and update of a clinical care management plan

(3) A clinical care manager shall do the following

(a) Submit an initial clinical care management plan with an insurer within 60 days of the insurer's request for a clinical care management plan

(b) Develop a new clinical care management plan for an injured person expected to incur allowable expenses for a period which will exceed the duration of an initial or succeeding clinical care management plan

(c) Consult with the treating physician and consider in any clinical care management plan recommendations submitted by the injured person's treating physician on all matters relating to medical necessity and medical care services within the scope of practice of physicians licensed in this state

(d) Maintain patient physician confidentiality

(4) As used in this section

(a) Clinical care management plan means a written plan of a duration not greater than 6 months developed and documented by or under the direction of a clinical care manager setting forth the care and other products services and accommodations for an injured person's care treatment recovery and rehabilitation A clinical care management plan shall list and explain all services that are to be provided and a schedule for review at appropriate periodic intervals determined by the clinical care manager A revised clinical care management plan may be developed before 6 months have expired if an injured person's condition or needs change An injured person somebody authorized to speak and act on the injured person's behalf or a health care provider may initiate a written request for a revised clinical care management plan A request shall include the rationale for the revision

(b) Clinical care manager means a licensed medical or osteopathic doctor physiatrist psychologist nurse social worker or physical or occupational therapist who provides the type of care necessary for the injured person's care treatment recovery or rehabilitation

Section 2 This amendatory act shall not take effect unless and until Act No 143 of the Public Acts of 1993 takes effect

This act is ordered to take immediate effect

Secretary of the Senate

Co Clerk of the House of Representatives

Approved

Governor