

HOUSE BILL No. 5842

February 17, 2010, Introduced by Rep. Stanley and referred to the Committee on Insurance.

A bill to amend 1980 PA 350, entitled
"The nonprofit health care corporation reform act,"
(MCL 550.1101 to 550.1704) by adding section 401k.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 401K. (1) A HEALTH CARE CORPORATION GROUP OR NONGROUP
2 CERTIFICATE THAT PROVIDES DENTAL COVERAGE SHALL NOT REQUIRE THAT
3 SERVICES PROVIDED BY A DENTIST BE PROVIDED AT A FEE SET BY THE
4 HEALTH CARE CORPORATION, EXCEPT FOR COVERED SERVICES PROVIDED TO A
5 COVERED SUBSCRIBER UNDER THE CERTIFICATE.

6 (2) A HEALTH CARE CORPORATION SHALL NOT IMPOSE A DEDUCTIBLE,
7 COPAYMENT, COINSURANCE, OR ANY OTHER REQUIREMENT IN SUCH A WAY AS
8 TO PROVIDE DE MINIMIS REIMBURSEMENT AND AVOID THE IMPACT OF THIS
9 SECTION. THE COMMISSIONER SHALL INVESTIGATE AND ISSUE A RULING ON
10 ALL COMPLAINTS ARISING UNDER THIS SECTION.

1 (3) AS USED IN THIS SECTION, "COVERED SERVICES" MEANS THOSE
2 HEALTH CARE SERVICES FOR WHICH REIMBURSEMENT IS AVAILABLE UNDER THE
3 HEALTH CARE CORPORATION CERTIFICATE AND THOSE HEALTH CARE SERVICES
4 FOR WHICH REIMBURSEMENT IS NOT AVAILABLE DUE ONLY TO AN UNEXPIRED
5 WAITING PERIOD, AN ANNUAL OR LIFETIME LIMITATION, MONETARY OR
6 FREQUENCY LIMITATION, OR OTHER LIMITATION APPLICABLE TO THE
7 COVERAGE FOR THE SERVICE. COVERED SERVICES DO NOT INCLUDE ANY OF
8 THE FOLLOWING:

9 (A) A SERVICE SELECTED BY THE PATIENT REQUIRING THE USE OF
10 MATERIAL DIFFERENT THAN THOSE COVERED BY THE HEALTH CARE
11 CORPORATION CERTIFICATE AND WITH A COST HIGHER THAN THE AMOUNT THE
12 HEALTH CARE CORPORATION CERTIFICATE WOULD PROVIDE FOR REIMBURSEMENT
13 FOR THAT SERVICE, PROVIDED THAT THE DENTIST HAS REQUESTED THE
14 PATIENT TO PAY THE AMOUNT BY WHICH THE COST OF THE SERVICE EXCEEDS
15 THE HEALTH CARE CORPORATION CERTIFICATE REIMBURSEMENT AND THE
16 PATIENT HAS AGREED TO PAY THE EXCESS TO THE DENTIST.

17 (B) A SERVICE SUBJECT TO A COPAYMENT OBLIGATION GREATER THAN
18 50%.

19 (C) A SERVICE SUBJECT TO THE SATISFACTION OF A DEDUCTIBLE
20 AMOUNT GREATER THAN \$20.00 PER SERVICE OR ANY ANNUAL OR OTHER
21 DEDUCTIBLE AMOUNT THAT THE HEALTH CARE CORPORATION REASONABLY KNOWS
22 WILL NOT BE MET BY AT LEAST 50% OF THOSE SUBJECT TO THE DEDUCTIBLE
23 REQUIREMENT.

24 Enacting section 1. This amendatory act applies to a
25 certificate entered into after the date this amendatory act is
26 enacted into law. For a certificate in effect on or before the date
27 this amendatory act is enacted into law, this amendatory act

- 1 applies on the date the certificate is next extended, renewed, or
- 2 modified in any manner.