



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 1104 (as reported without amendment)
Sponsor: Senator Mike Shirkey
Committee: Michigan Competitiveness

CONTENT

The bill would amend the Revised Judicature Act to do the following concerning a medical malpractice action:

- Limit damages for past medical expenses or rehabilitation service expenses to actual damages for medical care that arose out of the alleged malpractice.
- Limit actual damages to the dollar amount actually paid, excluding write-offs, discounts, and price reductions.

Specifically, the bill would add Section 1482 to the Act to provide that, notwithstanding any other law to the contrary, both of the following would apply in an action that alleged a medical malpractice claim:

- The damages recoverable for past medical expenses or rehabilitation service expenses could not exceed the actual damages for medical care that arose out of the alleged malpractice.
- The court could not permit a plaintiff to introduce evidence of past medical expenses or rehabilitation service expenses at trial, except for evidence of the actual damages for medical care.

The bill would define "actual damages for medical care" as both of the following:

- The dollar amount actually paid for past medical expenses or rehabilitation service expenses by or on behalf of the individual whose medical care is at issue, including payments made by insurers, but excluding any contractual discounts, price reductions, or write-offs by any person.
- The remaining dollar amount that the plaintiff is liable to pay for the medical care.

"Person" would mean an individual, partnership, corporation, association, governmental entity, or other legal entity.

Section 1482 would apply to an action filed on or after the bill's effective date.

MCL 600.1482

Legislative Analyst: Suzanne Lowe

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Date Completed: 10-20-16

Fiscal Analyst: Ryan Bergan

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Bill Analysis @ www.senate.michigan.gov/sfa

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.