



Senate Fiscal Agency  
P. O. Box 30036  
Lansing, Michigan 48909-7536

## BILL ANALYSIS



Telephone: (517) 373-5383  
Fax: (517) 373-1986

Senate Bill 1104 (as introduced 9-21-16)  
Sponsor: Senator Mike Shirkey  
Committee: Michigan Competitiveness

Date Completed: 10-18-16

**CONTENT**

**The bill would amend the Revised Judicature Act to limit damages for past medical expenses or rehabilitation service expenses to actual damages for medical care that arose out of the alleged malpractice, in a medical malpractice action.**

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.

The bill would take effect 90 days after enactment.

Proposed MCL 600.1482

Legislative Analyst: Suzanne Lowe

**FISCAL IMPACT**

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

Fiscal Analyst: Ryan Bergan

S1516\1104sa

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.