

SENATE BILL No. 1104

September 21, 2016, Introduced by Senator SHIRKEY and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9947) by adding section 1482.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 1482. (1) NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY,**
2 **IN AN ACTION THAT ALLEGES A MEDICAL MALPRACTICE CLAIM, BOTH OF THE**
3 **FOLLOWING APPLY:**

4 **(A) THE DAMAGES RECOVERABLE FOR PAST MEDICAL EXPENSES OR**
5 **REHABILITATION SERVICE EXPENSES SHALL NOT EXCEED THE ACTUAL DAMAGES**
6 **FOR MEDICAL CARE THAT ARISE OUT OF THE ALLEGED MALPRACTICE.**

7 **(B) EXCEPT FOR EVIDENCE OF THE ACTUAL DAMAGES FOR MEDICAL**
8 **CARE, THE COURT SHALL NOT PERMIT A PLAINTIFF TO INTRODUCE EVIDENCE**
9 **OF PAST MEDICAL EXPENSES OR REHABILITATION SERVICE EXPENSES AT**
10 **TRIAL.**

11 **(2) AS USED IN THIS SECTION:**

1 (A) "ACTUAL DAMAGES FOR MEDICAL CARE" MEANS BOTH OF THE
2 FOLLOWING:

3 (i) THE DOLLAR AMOUNT ACTUALLY PAID FOR PAST MEDICAL EXPENSES
4 OR REHABILITATION SERVICE EXPENSES BY OR ON BEHALF OF THE
5 INDIVIDUAL WHOSE MEDICAL CARE IS AT ISSUE, INCLUDING PAYMENTS MADE
6 BY INSURERS, BUT EXCLUDING ANY CONTRACTUAL DISCOUNTS, PRICE
7 REDUCTIONS, OR WRITE-OFFS BY ANY PERSON.

8 (ii) ANY REMAINING DOLLAR AMOUNT THAT THE PLAINTIFF IS LIABLE
9 TO PAY FOR THE MEDICAL CARE.

10 (B) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,
11 ASSOCIATION, GOVERNMENTAL ENTITY, OR OTHER LEGAL ENTITY.

12 Enacting section 1. This amendatory act takes effect 90 days
13 after the date it is enacted into law.

14 Enacting section 2. Section 1482 of the revised judicature act
15 of 1961, 1961 PA 236, as added by this amendatory act, applies to
16 an action filed on or after the effective date of this amendatory
17 act.