

HOUSE BILL No. 5218

November 2, 2017, Introduced by Rep. Barrett and referred to the Committee on Insurance.

A bill to amend 1978 PA 368, entitled
"Public health code,"
by amending section 21501 (MCL 333.21501) and by adding section
21541.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 21501. ~~(1) Article~~ **AS USED IN THIS PART:**

2 **(A) "AIRCRAFT TRANSPORT VEHICLE" MEANS THAT TERM AS DEFINED IN**
3 **SECTION 20902.**

4 **(B) "AMBULANCE" MEANS THAT TERM AS DEFINED IN SECTION 20902.**

5 **(C) "EMERGENCY PATIENT" MEANS THAT TERM AS DEFINED IN SECTION**
6 **20904.**

7 **(D) "HEALTH BENEFIT PLAN" MEANS AN EXPENSE-INCURRED HOSPITAL,**
8 **MEDICAL, OR SURGICAL POLICY OR CERTIFICATE, OR HEALTH MAINTENANCE**
9 **ORGANIZATION CONTRACT. HEALTH BENEFIT PLAN DOES NOT INCLUDE**
10 **ACCIDENT-ONLY, CREDIT, DENTAL, OR DISABILITY INCOME INSURANCE;**

1 LONG-TERM CARE INSURANCE; COVERAGE ISSUED AS A SUPPLEMENT TO
2 LIABILITY INSURANCE; COVERAGE ONLY FOR A SPECIFIED DISEASE OR
3 ILLNESS; WORKER'S COMPENSATION OR SIMILAR INSURANCE; OR AUTOMOBILE
4 MEDICAL-PAYMENT INSURANCE.

5 (E) "NONEMERGENCY PATIENT" MEANS THAT TERM AS DEFINED IN
6 SECTION 20908.

7 (F) "PARTICIPATING PROVIDER" MEANS A PROVIDER THAT, UNDER
8 CONTRACT WITH AN INSURER THAT ISSUES HEALTH BENEFIT PLANS, OR WITH
9 SUCH AN INSURER'S CONTRACTOR OR SUBCONTRACTOR, HAS AGREED TO
10 PROVIDE HEALTH CARE SERVICES TO COVERED INDIVIDUALS AND TO ACCEPT
11 PAYMENT BY THE INSURER, CONTRACTOR, OR SUBCONTRACTOR FOR COVERED
12 SERVICES AS PAYMENT IN FULL, OTHER THAN COINSURANCE, COPAYMENTS, OR
13 DEDUCTIBLES.

14 (G) "PATIENT'S REPRESENTATIVE" MEANS ANY OF THE FOLLOWING:

15 (i) A PERSON TO WHOM A PATIENT HAS GIVEN EXPRESS WRITTEN
16 CONSENT TO REPRESENT THE PATIENT.

17 (ii) A PERSON AUTHORIZED BY LAW TO PROVIDE CONSENT FOR A
18 PATIENT.

19 (iii) A PATIENT'S TREATING HEALTH PROFESSIONAL, BUT ONLY IF
20 THE PATIENT IS UNABLE TO PROVIDE CONSENT.

21 (H) "THIRD PARTY ADMINISTRATOR" MEANS THAT TERM AS DEFINED IN
22 SECTION 2 OF THE THIRD PARTY ADMINISTRATOR ACT, 1984 PA 218, MCL
23 550.902.

24 (2) IN ADDITION, ARTICLE 1 contains general definitions and
25 principles of construction applicable to all articles in this code
26 and part 201 contains definitions applicable to this part.

27 SEC. 21541. (1) SUBJECT TO SECTION 21540, BEFORE ORDERING AN

1 AIRCRAFT TRANSPORT VEHICLE FROM AN AIRCRAFT TRANSPORT OPERATION TO
2 TRANSPORT A NONEMERGENCY PATIENT OR ORDERING AN AMBULANCE THAT IS A
3 ROTARY AIRCRAFT FROM AN AMBULANCE OPERATION TO TRANSPORT A
4 NONEMERGENCY PATIENT, A HOSPITAL SHALL DO ALL OF THE FOLLOWING:

5 (A) DISCLOSE TO THE NONEMERGENCY PATIENT, OR THAT PATIENT'S
6 REPRESENTATIVE, ALL OF THE FOLLOWING INFORMATION:

7 (i) WHETHER THE AIRCRAFT TRANSPORT OPERATION OR AMBULANCE
8 OPERATION IS A PARTICIPATING PROVIDER WITH THE NONEMERGENCY
9 PATIENT'S HEALTH BENEFIT PLAN.

10 (ii) A GOOD-FAITH ESTIMATE OF THE COST OF USING THE AIRCRAFT
11 TRANSPORT OPERATION OR AMBULANCE OPERATION TO TRANSPORT THE
12 NONEMERGENCY PATIENT.

13 (iii) THAT THE NONEMERGENCY PATIENT HAS A RIGHT TO BE
14 TRANSPORTED BY A METHOD OTHER THAN AN AIRCRAFT TRANSPORT VEHICLE OR
15 AMBULANCE THAT IS A ROTARY AIRCRAFT.

16 (iv) UPON REQUEST, A GOOD-FAITH ESTIMATE OF THE COST OF USING
17 EACH METHOD OF TRANSPORTATION OTHER THAN AN AIRCRAFT TRANSPORT
18 VEHICLE OR AMBULANCE THAT IS A ROTARY AIRCRAFT.

19 (B) COMPLETE THE NOTICE DESCRIBED IN SUBSECTION (2) AND, AFTER
20 COMPLETING THE NOTICE, OBTAIN ON THE NOTICE THE SIGNATURE OF THE
21 NONEMERGENCY PATIENT, OR THAT PATIENT'S REPRESENTATIVE,
22 ACKNOWLEDGING THAT THE NONEMERGENCY PATIENT, OR THAT PATIENT'S
23 REPRESENTATIVE, HAS RECEIVED, HAS READ, AND UNDERSTANDS THE NOTICE.
24 A HOSPITAL SHALL RETAIN A COPY OF THE NOTICE REQUIRED UNDER THIS
25 SUBDIVISION FOR NOT LESS THAN 7 YEARS.

26 (2) THE NOTICE REQUIRED UNDER SUBSECTION (1) (B) MUST BE IN NOT
27 LESS THAN 12-POINT TYPE AND IN SUBSTANTIALLY THE FOLLOWING FORM:

1 "YOUR HEALTH BENEFIT PLAN _____ (DOES OR DOES NOT) PROVIDE
 2 COVERAGE FOR TRANSPORTATION BY AN AIRCRAFT TRANSPORT VEHICLE OR
 3 AMBULANCE THAT IS A ROTARY AIRCRAFT, OR COVERAGE FOR TRANSPORTATION
 4 PROVIDED BY _____ (INSERT NAME OF AIRCRAFT TRANSPORT
 5 OPERATION OR AMBULANCE OPERATION) ORDERED BY _____
 6 (INSERT NAME OF HOSPITAL). YOU HAVE THE RIGHT TO REQUEST THAT
 7 _____ (INSERT NAME OF HOSPITAL) ORDER AN AIRCRAFT
 8 TRANSPORT VEHICLE OR AMBULANCE THAT IS A ROTARY AIRCRAFT FROM AN
 9 AIRCRAFT TRANSPORT OPERATION OR AMBULANCE OPERATION THAT IS A
 10 PARTICIPATING PROVIDER WITH YOUR HEALTH BENEFIT PLAN.

11 IF YOUR HEALTH BENEFIT PLAN PROVIDES COVERAGE FOR
 12 TRANSPORTATION BY AN AIRCRAFT TRANSPORT VEHICLE OR AMBULANCE THAT
 13 IS A ROTARY AIRCRAFT OR COVERAGE FOR TRANSPORTATION PROVIDED BY
 14 _____ (INSERT NAME OF AIRCRAFT TRANSPORT OPERATION OR
 15 AMBULANCE OPERATION) ORDERED BY _____ (INSERT NAME OF
 16 HOSPITAL), YOU MAY BE SUBJECT TO A DEDUCTIBLE, A COPAYMENT, OR
 17 COINSURANCE.

18 IF YOU WILLINGLY CHOOSE TO BE TRANSPORTED BY AN AIRCRAFT
 19 TRANSPORT OPERATION THAT IS NOT A PARTICIPATING PROVIDER WITH YOUR
 20 HEALTH BENEFIT PLAN OR BY AN AMBULANCE OPERATION THAT IS NOT A
 21 PARTICIPATING PROVIDER WITH YOUR HEALTH BENEFIT PLAN, YOU MAY BE
 22 RESPONSIBLE FOR THE COSTS OF THE TRANSPORTATION THAT IS NOT COVERED
 23 BY YOUR HEALTH BENEFIT PLAN.

24 YOU HAVE THE RIGHT TO REQUEST, AND THE HOSPITAL SHALL PROVIDE,
 25 A GOOD-FAITH ESTIMATE OF THE COST OF THE SERVICES PROVIDED BY
 26 _____ (INSERT NAME OF AIRCRAFT TRANSPORT OPERATION OR
 27 AMBULANCE OPERATION). YOU ALSO HAVE THE RIGHT TO REQUEST

1 TRANSPORTATION BY METHODS OTHER THAN AN AIRCRAFT TRANSPORT VEHICLE
2 OR AMBULANCE THAT IS A ROTARY AIRCRAFT AND HAVE THE RIGHT TO A
3 GOOD-FAITH ESTIMATE OF THE COST OF EACH OTHER METHOD OF
4 TRANSPORTATION. UPON YOUR REQUEST, THE HOSPITAL SHALL PROVIDE YOU
5 WITH A GOOD-FAITH ESTIMATE OF THE COST OF EACH OTHER METHOD OF
6 TRANSPORTATION.

7 _____
8 (PATIENT'S OR PATIENT REPRESENTATIVE'S SIGNATURE) (DATE)
9 _____
10 (TYPE OR PRINT PATIENT'S OR PATIENT REPRESENTATIVE'S NAME)".

11 (3) UPON THE REQUEST OF A NONEMERGENCY PATIENT'S HEALTH
12 BENEFIT PLAN OR THIRD PARTY ADMINISTRATOR, THE HOSPITAL SHALL
13 PROVIDE A COPY OF THE NOTICE REQUIRED UNDER SUBSECTION (1) (B) TO
14 THE PERSON DESIGNATED IN THE NONEMERGENCY PATIENT'S HEALTH BENEFIT
15 PLAN OR BY THE THIRD PARTY ADMINISTRATOR.

16 (4) WITHIN 10 DAYS AFTER ORDERING AN AIRCRAFT TRANSPORT
17 VEHICLE OR AMBULANCE THAT IS A ROTARY AIRCRAFT TO TRANSPORT AN
18 EMERGENCY PATIENT OR NONEMERGENCY PATIENT, THE HOSPITAL SHALL
19 PROVIDE TO THE PERSON DESIGNATED IN THE PATIENT'S HEALTH BENEFIT
20 PLAN OR TO THE THIRD PARTY ADMINISTRATOR WRITTEN DOCUMENTATION
21 EXPLAINING WHY TRANSPORTING THE PATIENT BY AN AMBULANCE THAT IS A
22 MOTOR VEHICLE WAS MEDICALLY INAPPROPRIATE FOR THE PATIENT.

23 (5) IN ADDITION TO THE SANCTIONS SET FORTH IN SECTION 20165, A
24 HOSPITAL THAT VIOLATES THIS SECTION IS LIABLE TO THE AIRCRAFT
25 TRANSPORT OPERATION OR AMBULANCE OPERATION FOR THE COST OF
26 TRANSPORTING THE PATIENT BY THAT OPERATION'S AIRCRAFT TRANSPORT
27 VEHICLE OR AMBULANCE THAT IS A ROTARY AIRCRAFT TO THE EXTENT THAT

**1 THE COST EXCEEDS THE AMOUNT COVERED BY THE PATIENT'S HEALTH BENEFIT
2 PLAN.**

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

5 Enacting section 2. This amendatory act does not take effect
6 unless all of the following bills of the 99th Legislature are
7 enacted into law:

8 (a) Senate Bill No. ____ or House Bill No. 5217 (request no.
9 01698'17 *).

10 (b) Senate Bill No. ____ or House Bill No. 5219 (request no.
11 01700'17 *).