

SENATE BILL NO. 572

October 10, 2019, Introduced by Senators HERTEL, THEIS, JOHNSON, BARRETT, LASATA, BULLOCK, VICTORY, MCMORROW, MACDONALD, RUNESTAD and DALEY and referred to the Committee on Insurance and Banking.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding section 24505 to article 18.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 24505. (1) For a nonemergency service provided by a**
2 **nonparticipating provider with advanced notice, a nonparticipating**
3 **provider may bill for any cost not covered by the nonemergency**
4 **patient's health benefit plan, only if the nonemergency patient**
5 **consents in writing and demonstrates satisfaction of all of the**
6 **following criteria:**

1 (a) At least 24 hours in advance, the nonemergency patient
2 consents in writing to receive services from the nonparticipating
3 provider.

4 (b) The consent shall not be obtained at the time of admission
5 or at any time when the nonemergency patient is being prepared for
6 surgery or any other procedure.

7 (c) At the time the consent is provided, the nonparticipating
8 provider shall give the nonemergency patient a written estimate of
9 the cost of care for services to be provided.

10 (d) The consent shall advise the nonemergency patient that he
11 or she may elect to seek care from a participating provider or may
12 contact his or her health benefit plan in order to arrange for
13 those services to be provided by a participating provider at a
14 lower cost.

15 (2) The notice required under subsection (1) must be in not
16 less than 12-point type and in substantially the following form:

17 "Your health benefit plan may or may not provide coverage for
18 all of the services you are scheduled to receive or the providers
19 providing those services. You may be responsible for the costs of
20 the services that are not covered by your health benefit plan.

21 We have conducted a good-faith search to determine whether
22 your health benefit plan provides coverage for these services and,
23 if so, to order these services from a provider that participates
24 with your health benefit plan.

25 You have a right to request that the services be performed by
26 a provider that participates with your health benefit plan.

27 I have received, read, and understand this notice.

28 _____
29 (Patient's or patients' representative signature)

(Date)

1
2 (Type or print name of patient or patient's representative)".

3 (3) A nonparticipating provider shall complete the notice
4 described in subsection (2) and, after completing the notice,
5 obtain on the notice the signature of the nonemergency patient, or
6 that patient's representative, acknowledging that the nonemergency
7 patient, or that patient's representative, has received, has read,
8 and understands the notice. A nonparticipating provider shall
9 retain a copy of the notice required under this section for not
10 less than 7 years.

11 (4) Section 24503 applies if a nonparticipating provider fails
12 to comply with the requirements of this section by not obtaining
13 written consent.

14 (5) The department may impose an administrative fine on a
15 licensed provider for a violation of this section.

16 Enacting section 1. This amendatory act does not take effect
17 unless Senate Bill No. 570 of the 100th Legislature is enacted into
18 law.