

HOUSE BILL No. 5109

June 16, 2009, Introduced by Rep. Angerer and referred to the Committee on Insurance.

A bill to amend 1956 PA 218, entitled "The insurance code of 1956," by amending sections 3107b, 3405, 3475, and 3631 (MCL 500.3107b, 500.3405, 500.3475, and 500.3631), section 3107b as added and sections 3405 and 3631 as amended by 1994 PA 438 and section 3475 as amended by 1984 PA 280.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3107b. Reimbursement or coverage for expenses within
2 personal protection insurance coverage under section 3107 is not
3 required for either of the following:

4 (a) A practice of optometric service, unless that service was
5 included in the definition of practice of optometry under section
6 17401 of the public health code, ~~Act No. 368 of the Public Acts of~~

1 ~~1978, being section 333.17401 of the Michigan Compiled Laws 1978 PA~~
2 ~~368, MCL 333.17401, as of May 20, 1992.~~

3 ~~(b) The use of therapeutic sound or electricity, or both, for~~
4 ~~the reduction or correction of spinal subluxations in a~~
5 ~~chiropractic service. This subdivision shall not take effect unless~~
6 ~~Senate Bill No. 493 of the 87th Legislature is enacted into law. A~~
7 **PRACTICE OF CHIROPRACTIC SERVICE, UNLESS THAT SERVICE WAS INCLUDED**
8 **IN THE DEFINITION OF PRACTICE OF CHIROPRACTIC UNDER SECTION 16401**
9 **OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.16401, AS OF**
10 **JANUARY 1, 2009.**

11 Sec. 3405. (1) For the purpose of doing business as an
12 organization under the prudent purchaser act, ~~Act No. 233 of the~~
13 ~~Public Acts of 1984, being sections 550.51 to 550.63 of the~~
14 ~~Michigan Compiled Laws 1984 PA 233, MCL 550.51 TO 550.63, an~~
15 insurer authorized in this state to write disability insurance that
16 provides coverage for hospital, nursing, medical, surgical, or
17 sick-care benefits may enter into prudent purchaser agreements with
18 providers of hospital, nursing, medical, surgical, or sick-care
19 services pursuant to this section and ~~Act No. 233 of the Public~~
20 ~~Acts of 1984~~ **THE PRUDENT PURCHASER ACT, 1984 PA 233, MCL 550.51 TO**
21 **550.63.**

22 (2) An insurer may offer disability insurance policies under
23 which the insured persons shall be required, as a condition of
24 coverage, to obtain hospital, nursing, medical, surgical, or sick-
25 care services exclusively from health care providers who have
26 entered into prudent purchaser agreements. A person to whom such a
27 policy is offered shall also be offered a policy that:

1 (a) Does not, as a condition of coverage, require insured
2 persons to obtain services exclusively from health care providers
3 who have entered into prudent purchaser agreements.

4 (b) Does not give a financial advantage or other advantage to
5 an insured person who elects to obtain services from health care
6 providers who have entered into prudent purchaser agreements.

7 (3) An insurer may offer disability insurance policies under
8 which insured persons who elect to obtain hospital, nursing,
9 medical, surgical, or sick-care services from health care providers
10 who have entered into prudent purchaser agreements shall realize a
11 financial advantage or other advantage by selecting such providers.
12 Policies offered pursuant to this subsection shall not, as a
13 condition of coverage, require insured persons to obtain such
14 services exclusively from health care providers who have entered
15 into prudent purchaser agreements. A person to whom such a policy
16 is offered shall also be offered a policy that:

17 (a) Does not, as a condition of coverage, require insured
18 persons to obtain services exclusively from health care providers
19 who have entered into prudent purchaser agreements.

20 (b) Does not give a financial advantage or other advantage to
21 an insured person who elects to obtain services from health care
22 providers who have entered into prudent purchaser agreements.

23 (4) The rates charged by an insurer for coverage under
24 policies issued under this section shall not be unreasonably lower
25 than what is necessary to meet the expenses of the insurer for
26 providing this coverage and shall not have an anticompetitive
27 effect or result in predatory pricing in relation to prudent

1 purchaser agreement coverages offered by other organizations.

2 (5) An insurer shall not discriminate against a class of
3 health care providers when entering into prudent purchaser
4 agreements with health care providers for its provider panel. This
5 subsection does not:

6 (a) Prohibit the formation of a provider panel consisting of a
7 single class of providers when a service provided for in the
8 specifications of a purchaser may legally be provided only by a
9 single class of providers.

10 (b) Prohibit the formation of a provider panel that conforms
11 to the specifications of a purchaser of the coverage authorized by
12 this section so long as the specifications do not exclude any class
13 of health care providers who may legally perform the services
14 included in the coverage.

15 (c) Require an organization that has uniformly applied the
16 standards filed pursuant to section 3(3) of ~~Act No. 233 of the~~
17 ~~Public Acts of 1984, being section 550.53 of the Michigan Compiled~~
18 ~~Laws~~ **THE PRUDENT PURCHASER ACT, 1984 PA 233, MCL 550.53**, to
19 contract with any individual provider.

20 (6) Nothing in this 1984 amendatory act applies to any
21 contract that is in existence before December 20, 1984, or the
22 renewal of such contract.

23 (7) Notwithstanding any other provision of this act, if
24 coverage under a prudent purchaser agreement provides for benefits
25 for services that are within the scope of practice of optometry, an
26 insurer is not required to provide coverage or reimburse for a
27 practice of optometric service unless that service was included in

1 the definition of practice of optometry under section 17401 of the
2 public health code, ~~Act No. 368 of the Public Acts of 1978~~, being
3 ~~section 333.17401 of the Michigan Compiled Laws 1978 PA 368, MCL~~
4 **333.17401**, as of May 20, 1992.

5 (8) Notwithstanding any other provision of this act, if
6 coverage under a prudent purchaser agreement provides for benefits
7 for services that are within the scope of practice of chiropractic,
8 an insurer is not required to provide coverage or reimburse for ~~the~~
9 ~~use of therapeutic sound or electricity, or both, for the reduction~~
10 ~~or correction of spinal subluxations in a chiropractic service.~~
11 ~~This subsection shall not take effect unless Senate Bill No. 493 of~~
12 ~~the 87th Legislature is enacted into law~~ **A PRACTICE OF CHIROPRACTIC**
13 **SERVICE UNLESS THAT SERVICE WAS INCLUDED IN THE DEFINITION OF**
14 **PRACTICE OF CHIROPRACTIC UNDER SECTION 16401 OF THE PUBLIC HEALTH**
15 **CODE, 1978 PA 368, MCL 333.16401, AS OF JANUARY 1, 2009.**

16 Sec. 3475. Notwithstanding any provision of any policy of
17 insurance or certificate, if an insurance policy or certificate
18 provides for reimbursement for any service which may be legally
19 performed by a person fully licensed as a psychologist under part
20 182 of the public health code, ~~Act No. 368 of the Public Acts of~~
21 ~~1978, being sections 333.18201 to 333.18237 of the Michigan~~
22 ~~Compiled Laws 1978 PA 368, MCL 333.18201 TO 333.18237~~; by a
23 podiatrist licensed under part 180 of the public health code, ~~Act~~
24 ~~No. 368 of the Public Acts of 1978, being sections 333.18001 to~~
25 ~~333.18033 of the Michigan Compiled Laws 1978 PA 368, MCL 333.18001~~
26 **TO 333.18058**; by a chiropractor licensed under part 164 of the
27 public health code, ~~Act No. 368 of the Public Acts of 1978, being~~

1 ~~sections 333.16401 to 333.16431 of the Michigan Compiled Laws 1978~~
2 **PA 368, MCL 333.16401 TO 333.16431**; reimbursement under the
3 insurance policy or certificate shall not be denied if the service
4 is rendered by a person fully licensed as a psychologist under part
5 182 of the public health code, ~~Act No. 368 of the Public Acts of~~
6 ~~1978~~ **1978 PA 368, MCL 333.18201 TO 333.18237**; by a podiatrist
7 licensed under part 180 of the public health code, ~~Act No. 368 of~~
8 ~~the Public Acts of 1978~~ **1978 PA 368, MCL 333.18001 TO 333.18058**; or
9 by a chiropractor licensed under part 164 of the public health
10 code, ~~Act No. 368 of the Public Acts of 1978~~ **1978 PA 368, MCL**
11 **333.16401 TO 333.16431**; within the statutory provisions provided in
12 his or her individual practice act. This section ~~shall not be~~
13 ~~construed as requiring the~~ **DOES NOT REQUIRE** coverage for a
14 psychologist in any insurance policy **AND DOES NOT REQUIRE COVERAGE**
15 **OR REIMBURSEMENT FOR A PRACTICE OF CHIROPRACTIC SERVICE UNLESS THAT**
16 **SERVICE WAS INCLUDED IN THE DEFINITION OF PRACTICE OF CHIROPRACTIC**
17 **UNDER SECTION 16401 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL**
18 **333.16401, AS OF JANUARY 1, 2009**. This section shall not apply to a
19 policy or certificate written pursuant to section 3405 ~~or~~ **3631** ~~or~~
20 ~~or 3709~~ involving a prudent purchaser agreement.

21 Sec. 3631. (1) For the purpose of doing business as an
22 organization under the prudent purchaser act, ~~Act No. 233 of the~~
23 ~~Public Acts of 1984, being sections 550.51 to 550.63 of the~~
24 ~~Michigan Compiled Laws 1984~~ **PA 233, MCL 550.51 TO 550.63**, an
25 insurer authorized to write group disability insurance or family
26 expense insurance that provides coverage for hospital, nursing,
27 medical, surgical, or sick-care benefits may enter into prudent

1 purchaser agreements with providers of hospital, nursing, medical,
2 surgical, or sick-care services pursuant to this section and ~~Act~~
3 ~~No. 233 of the Public Acts of 1984~~ **THE PRUDENT PURCHASER ACT, 1984**
4 **PA 233, MCL 550.51 TO 550.63.**

5 (2) An insurer may offer group disability insurance policies
6 or family expense policies under which the insured persons shall be
7 required, as a condition of coverage, to obtain hospital, nursing,
8 medical, surgical, or sick-care services exclusively from health
9 care providers who have entered into prudent purchaser agreements.

10 (3) An individual who is a member of a group who is offered
11 the option of being under a policy pursuant to subsection (2) shall
12 also be offered the option of being insured under a policy pursuant
13 to subsection (4). This subsection applies only if the group in
14 which the individual is a member has 25 or more members or if the
15 provider panel that is providing the services under the group
16 policy is limited by the organization to a specific number pursuant
17 to section 3(1) of ~~Act No. 233 of the Public Acts of 1984, being~~
18 ~~section 550.53 of the Michigan Compiled Laws~~ **THE PRUDENT PURCHASER**
19 **ACT, 1984 PA 233, MCL 550.53.**

20 (4) An insurer may offer group disability insurance policies
21 or family expense policies under which insured persons who elect to
22 obtain hospital, nursing, medical, surgical, or sick-care services
23 from health care providers who have entered into prudent purchaser
24 agreements shall realize a financial advantage or other advantage
25 by selecting such a provider. Policies offered pursuant to this
26 subsection shall not, as a condition of coverage, require insured
27 persons to obtain such services exclusively from health care

1 providers who have entered into prudent purchaser agreements.

2 (5) An individual who is a member of a group who is offered
3 the option of being insured under a policy pursuant to subsection
4 (2) or (4) shall also be offered the option of being insured under
5 a policy that:

6 (a) Does not, as a condition of coverage, require insured
7 persons to obtain services exclusively from health care providers
8 who have entered into prudent purchaser agreements.

9 (b) Does not give a financial advantage or other advantage to
10 an insured person who elects to obtain services from health care
11 providers who have entered into prudent purchaser agreements.

12 (6) Subsection (5) applies only if the group in which the
13 individual is a member has 25 or more members and if the group on
14 December 20, 1984 had health care coverage through the group
15 sponsor.

16 (7) The rates charged by an insurer for coverage under
17 policies issued under this section shall not be unreasonably lower
18 than what is necessary to meet the expenses of the insurer for
19 providing this coverage and shall not have an anticompetitive
20 effect or result in predatory pricing in relation to prudent
21 purchaser agreement coverages offered by other organizations.

22 (8) An insurer shall not discriminate against a class of
23 health care providers when entering into prudent purchaser
24 agreements with health care providers for its provider panel. This
25 subsection does not:

26 (a) Prohibit the formation of a provider panel consisting of a
27 single class of providers when a service provided for in the

1 specifications of a purchaser may legally be provided only by a
2 single class of providers.

3 (b) Prohibit the formation of a provider panel that conforms
4 to the specifications of a purchaser of the coverage authorized by
5 this section so long as the specifications do not exclude any class
6 of health care providers who may legally perform the services
7 included in the coverage.

8 (c) Require an organization that has uniformly applied the
9 standards filed pursuant to section 3(3) of ~~Act No. 233 of the~~
10 ~~Public Acts of 1984, being section 550.53 of the Michigan Compiled~~
11 ~~Laws~~ **THE PRUDENT PURCHASER ACT, 1984 PA 233, MCL 550.53**, to
12 contract with any individual provider.

13 (9) Nothing in this 1984 amendatory act applies to any
14 contract that is in existence before December 20, 1984, or the
15 renewal of such contract.

16 (10) Notwithstanding any other provision of this act, if
17 coverage under a prudent purchaser agreement provides for benefits
18 for services that are within the scope of practice of optometry, an
19 insurer is not required to provide coverage or reimburse for a
20 practice of optometric service unless that service was included in
21 the definition of practice of optometry under section 17401 of the
22 public health code, ~~Act No. 368 of the Public Acts of 1978, being~~
23 ~~section 333.17401 of the Michigan Compiled Laws~~ **1978 PA 368, MCL**
24 **333.17401**, as of May 20, 1992.

25 (11) Notwithstanding any other provision of this act, if
26 coverage under a prudent purchaser agreement provides for benefits
27 for services that are within the scope of practice of chiropractic,

1 an insurer is not required to provide coverage or reimburse for the
2 ~~use of therapeutic sound or electricity, or both, for the reduction~~
3 ~~or correction of spinal subluxations in a chiropractic service.~~

4 ~~This subsection shall not take effect unless Senate Bill No. 493 of~~
5 ~~the 87th Legislature is enacted into law~~ **A PRACTICE OF CHIROPRACTIC**

6 **SERVICE UNLESS THAT SERVICE WAS INCLUDED IN THE DEFINITION OF**

7 **PRACTICE OF CHIROPRACTIC UNDER SECTION 16401 OF THE PUBLIC HEALTH**

8 **CODE, 1978 PA 368, MCL 333.16401, AS OF JANUARY 1, 2009.**