

HOUSE BILL No. 4776

June 16, 2011, Introduced by Reps. Tyler, Crawford, Johnson, McMillin, Denby, LaFontaine, Bumstead, Kurtz, Poleski, Genetski, Callton, Franz, Lori, LeBlanc, Lyons, Walsh, Knollenberg, Agema, Shirkey, Horn, Pscholka, Forlini, Huuki, Daley, Shaughnessy, Lund, Opsommer, Cotter, Rogers, Nesbitt, Goike, Haveman, Wayne Schmidt, Price and Kowall and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled
"Public health code,"
(MCL 333.1101 to 333.25211) by adding sections 16240 and 20195.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 16240. (1) A LICENSEE OR REGISTRANT SHALL NOT SEEK OR
2 ACCEPT REIMBURSEMENT FROM A QUALIFIED HEALTH PLAN; AN EXPENSE-
3 INCURRED HOSPITAL, MEDICAL, OR SURGICAL POLICY OR CERTIFICATE; A
4 HEALTH MAINTENANCE ORGANIZATION GROUP OR INDIVIDUAL CONTRACT; OR A
5 HEALTH CARE CORPORATION GROUP OR NONGROUP CERTIFICATE FOR ANY
6 SERVICES PROVIDED THAT ARE DIRECTLY RELATED TO THE PERFORMANCE OF
7 AN ELECTIVE ABORTION UNLESS THE REIMBURSEMENT SOUGHT OR ACCEPTED IS
8 FROM AN OPTIONAL RIDER PROVIDED UNDER ANY OF THE FOLLOWING:
9 (A) SECTION 3407C OF THE INSURANCE CODE OF 1956, 1956 PA 218,

1 MCL 500.3407C.

2 (B) SECTION 402D OF THE NONPROFIT HEALTH CARE CORPORATION
3 REFORM ACT, 1980 PA 350, MCL 550.1402D.

4 (2) THIS SECTION DOES NOT AFFECT LEGITIMATE AND ROUTINE
5 OBSTETRIC CARE, DIAGNOSTIC TESTING, OR OTHER NONABORTION
6 PROCEDURES.

7 (3) IN ADDITION TO THE ADMINISTRATIVE PENALTIES PRESCRIBED IN
8 SECTIONS 16221(G) AND 16226, A LICENSEE OR REGISTRANT WHO
9 VIOLATES THIS SECTION IS LIABLE FOR A CIVIL FINE OF UP TO
10 \$10,000.00 PER VIOLATION. THE DEPARTMENT SHALL INVESTIGATE AN
11 ALLEGED VIOLATION OF THIS SECTION, AND THE ATTORNEY GENERAL, IN
12 COOPERATION WITH THE DEPARTMENT, MAY BRING AN ACTION TO ENFORCE
13 THIS SECTION.

14 (4) THIS SECTION DOES NOT RESTRICT THE RIGHT OF A LICENSEE OR
15 REGISTRANT TO DISCUSS ABORTION OR ABORTION SERVICES WITH A PATIENT
16 WHO IS PREGNANT.

17 (5) THIS SECTION DOES NOT CREATE A RIGHT TO AN ABORTION.

18 (6) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A
19 PERSON SHALL NOT PERFORM AN ABORTION THAT IS PROHIBITED BY LAW.

20 (7) AS USED IN THIS SECTION:

21 (A) "ELECTIVE ABORTION" MEANS THAT TERM AS DEFINED IN SECTION
22 3407C OF THE INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.3407C, OR
23 SECTION 402D OF THE NONPROFIT HEALTH CARE CORPORATION REFORM ACT,
24 1980 PA 350, MCL 550.1402D.

25 (B) "QUALIFIED HEALTH PLAN" MEANS A HEALTH PLAN OFFERED
26 THROUGH A STATE EXCHANGE AS DESCRIBED IN SECTION 3407C OF THE
27 INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.3407C, OR SECTION 402D

1 OF THE NONPROFIT HEALTH CARE CORPORATION REFORM ACT, 1980 PA 350,
2 MCL 550.1402D.

3 SEC. 20195. (1) A HEALTH FACILITY OR AGENCY SHALL NOT SEEK OR
4 ACCEPT REIMBURSEMENT FROM A QUALIFIED HEALTH PLAN; AN EXPENSE-
5 INCURRED HOSPITAL, MEDICAL, OR SURGICAL POLICY OR CERTIFICATE; A
6 HEALTH MAINTENANCE ORGANIZATION GROUP OR INDIVIDUAL CONTRACT; OR A
7 HEALTH CARE CORPORATION GROUP OR NONGROUP CERTIFICATE FOR ANY
8 SERVICES PROVIDED THAT ARE DIRECTLY RELATED TO THE PERFORMANCE OF
9 AN ELECTIVE ABORTION UNLESS THE REIMBURSEMENT SOUGHT OR ACCEPTED IS
10 FROM AN OPTIONAL RIDER PROVIDED UNDER ANY OF THE FOLLOWING:

11 (A) SECTION 3407C OF THE INSURANCE CODE OF 1956, 1956 PA 218,
12 MCL 500.3407C.

13 (B) SECTION 402D OF THE NONPROFIT HEALTH CARE CORPORATION
14 REFORM ACT, 1980 PA 350, MCL 550.1402D.

15 (2) THIS SECTION DOES NOT AFFECT LEGITIMATE AND ROUTINE
16 OBSTETRIC CARE, DIAGNOSTIC TESTING, OR OTHER NONABORTION
17 PROCEDURES.

18 (3) A HEALTH FACILITY OR AGENCY THAT VIOLATES THIS SECTION IS
19 LIABLE FOR A CIVIL FINE OF UP TO \$10,000.00 PER VIOLATION. THE
20 DEPARTMENT SHALL INVESTIGATE AN ALLEGED VIOLATION OF THIS SECTION,
21 AND THE ATTORNEY GENERAL, IN COOPERATION WITH THE DEPARTMENT, MAY
22 BRING AN ACTION TO ENFORCE THIS SECTION.

23 (4) THIS SECTION DOES NOT RESTRICT THE RIGHT OF A HEALTH CARE
24 PROFESSIONAL OR OTHER HEALTH FACILITY OR AGENCY EMPLOYEE TO DISCUSS
25 ABORTION OR ABORTION SERVICES WITH A PATIENT WHO IS PREGNANT.

26 (5) THIS SECTION DOES NOT CREATE A RIGHT TO AN ABORTION.

27 (6) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A

1 PERSON SHALL NOT PERFORM AN ABORTION THAT IS PROHIBITED BY LAW.

2 (7) AS USED IN THIS SECTION:

3 (A) "ELECTIVE ABORTION" MEANS THAT TERM AS DEFINED IN SECTION
4 3407C OF THE INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.3407C, OR
5 SECTION 402D OF THE NONPROFIT HEALTH CARE CORPORATION REFORM ACT,
6 1980 PA 350, MCL 550.1402D.

7 (B) "QUALIFIED HEALTH PLAN" MEANS A HEALTH PLAN OFFERED
8 THROUGH A STATE EXCHANGE AS DESCRIBED IN SECTION 3407C OF THE
9 INSURANCE CODE OF 1956, 1956 PA 218, MCL 500.3407C, OR SECTION 402D
10 OF THE NONPROFIT HEALTH CARE CORPORATION REFORM ACT, 1980 PA 350,
11 MCL 550.1402D.

12 Enacting section 1. This amendatory act does not take effect
13 unless all of the following bills of the 96th Legislature are
14 enacted into law:

15 (a) House Bill No. 4143.

16 (b) House Bill No. 4147.