

HOUSE BILL NO. 5193

October 24, 2023, Introduced by Reps. Neeley, MacDonell, Wilson, Brenda Carter, Harris, Scott, Bezotte, Breen, Coleman, Stone, O'Neal, Young, Dievendorf, Hope, Haadsma, Rheingans, DeBoer, Brabec, Tyrone Carter, Fitzgerald, Aragona, Edwards and Aiyash and referred to the Committee on Insurance and Financial Services.

A bill to amend 1984 PA 323, entitled
"The health care false claim act,"
by amending section 2 (MCL 752.1002).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2. As used in this act:
- 2 (a) "Claim" means ~~any~~**an** attempt to cause a health care
- 3 corporation or health care insurer to make the payment of a health
- 4 care benefit.
- 5 (b) "Deceptive" means making a claim to a health care

1 corporation or health care insurer ~~which~~**that** contains a statement
 2 of fact or ~~which~~**that** fails to reveal a material fact, which
 3 statement or failure leads the health care corporation or health
 4 care insurer to believe the represented or suggested state of
 5 affair to be other than it actually is.

6 (c) "False" means wholly or partially untrue or deceptive.

7 (d) "Health care benefit" means the right under a contract or
 8 a certificate or policy of insurance to have a payment made by a
 9 health care corporation or health care insurer for a specified
 10 health care service.

11 (e) "Health care corporation" means ~~a~~**any of the following:**

12 (i) **A** nonprofit dental care corporation incorporated under ~~Act~~
 13 ~~No. 125 of the Public Acts of 1963, being sections 550.351 to~~
 14 ~~550.373 of the Michigan Compiled Laws; a~~ **1963 PA 125, MCL 550.351**
 15 **to 550.373.**

16 (ii) **A** hospital service corporation. ~~τ~~

17 (iii) **A** medical care corporation. ~~τ~~ ~~or a consolidated hospital~~
 18 ~~service corporation and medical care corporation incorporated or~~
 19 ~~reincorporated under Act No. 350 of the Public Acts of 1980, being~~
 20 ~~sections 550.1101 to 550.1704 of the Michigan Compiled Laws, or~~
 21 ~~incorporated or consolidated under Act No. 108 or 109 of the Public~~
 22 ~~Acts of 1939; or a~~

23 (iv) **A** health maintenance organization licensed under ~~Act No.~~
 24 ~~368 of the Public Acts of 1978, being sections 333.1101 to~~
 25 ~~333.25211 of the Michigan Compiled Laws.~~ **chapter 35 of the insurance**
 26 **code of 1956, 1956 PA 218, MCL 500.3501 to 500.3573.**

27 (f) "Health care insurer" means any **of the following:**

28 (i) **An** insurance company authorized to provide health insurance
 29 in this state. ~~or~~

1 (ii) An insurance company that provides personal protection
2 insurance under chapter 31 of the insurance code of 1956, 1956 PA
3 218, MCL 500.3101 to 500.3179. ~~any~~

4 (iii) A legal entity ~~which~~ **that** is self-insured and providing
5 health care benefits to its employees.

6 (g) "Health facility or agency" means a health facility or
7 agency, as defined in section 20106 of the public health code, ~~Act~~
8 ~~No. 368 of the Public Acts of 1978, being section 333.20106 of the~~
9 ~~Michigan Compiled Laws.~~ **1978 PA 368, MCL 333.20106.**

10 (h) "Knowing" and "knowingly" means that a person is in
11 possession of facts under which he or she is aware or should be
12 aware of the nature of his or her conduct and that his or her
13 conduct is substantially certain to cause the payment of a health
14 care benefit. "Knowing" or "knowingly" does not include conduct
15 ~~which~~ **that** is an error or mistake unless the person's course of
16 conduct indicates a systematic or persistent tendency to cause
17 inaccuracies to be present.

18 (i) "Person" means an individual, corporation, partnership,
19 association, or any other legal entity.