

# 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 \*).