

Act No. 92
Public Acts of 1990
Approved by the Governor
May 31, 1990
Filed with the Secretary of State
June 1, 1990

**STATE OF MICHIGAN
85TH LEGISLATURE
REGULAR SESSION OF 1990**

Introduced by Reps. Power and Brown

ENROLLED HOUSE BILL No. 5496

AN ACT to amend section 429 of Act No. 350 of the Public Acts of 1980, entitled "An act to provide for the incorporation of nonprofit health care corporations; to provide their rights, powers, and immunities; to prescribe the powers and duties of certain state officers relative to the exercise of those rights, powers, and immunities; to prescribe certain conditions for the transaction of business by those corporations in this state; to define the relationship of health care providers to nonprofit health care corporations and to specify their rights, powers, and immunities with respect thereto; to provide for the regulation and supervision of nonprofit health care corporations by the commissioner of insurance; to prescribe powers and duties of certain other state officers with respect to the regulation and supervision of nonprofit health care corporations; to regulate the merger or consolidation of certain corporations; to prescribe an expeditious and effective procedure for the maintenance and conduct of certain administrative appeals relative to provider class plans; to provide for certain administrative hearings relative to rates for health care benefits; to provide for certain causes of action; to prescribe penalties and to provide civil fines for violations of this act; and to repeal certain acts and parts of acts," as added by Act No. 305 of the Public Acts of 1989, being section 550.1429 of the Michigan Compiled Laws.

The People of the State of Michigan enact:

Section 1. Section 429 of Act No. 350 of the Public Acts of 1980, as added by Act No. 305 of the Public Acts of 1989, being section 550.1429 of the Michigan Compiled Laws, is amended to read as follows:

Sec. 429. (1) Long-term care coverage shall meet all of the following requirements:

- (a) Shall include coverage for intermediate/basic care.
- (b) Shall not limit or exclude coverage by type of illness, treatment, medical condition, or accident other than a motor vehicle accident, except as follows:
 - (i) Preexisting conditions.
 - (ii) Mental or nervous disorders; however, this shall not be defined to include more than neurosis, psychoneurosis, psychopathy, psychosis, or mental or emotional disease or disorder and shall not permit exclusion or limitation of benefits on the basis of Alzheimer's disease or related disorders.
 - (iii) Alcoholism or drug addiction.
 - (iv) Illness, treatment, or medical condition arising out of any of the following:
 - (A) War or act of war, whether declared or undeclared.
 - (B) Participation in a felony, riot, or insurrection.
 - (C) Service in the armed forces or units auxiliary to the armed forces.

(D) Suicide, whether the individual was sane or insane at the time of the suicide, attempted suicide, or intentionally self-inflicted injury.

(v) This subdivision is not intended to prohibit exclusions and limitations by type of provider or territorial limitations.

(2) Long-term care coverage other than home care coverage may provide that before certain coverages in the certificate take effect, care must first be recommended by a person or persons as provided in the certificate and approved by the commissioner or prescribed by a licensed treating physician. Long-term care coverage for home care may provide that before coverage for home care in the certificate takes effect, care must first be prescribed or recommended by a person or persons as provided in the certificate and approved by the commissioner.

This act is ordered to take immediate effect.

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Clerk of the House of Representatives.

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Secretary of the Senate.

Approved

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Governor.