

**Michigan Office of Administrative Hearings and Rules**  
**Administrative Rules Division (ARD)**

611 W. Ottawa Street  
Lansing, MI 48909  
Phone: 517-335-8658 Fax: 517-335-9512

**REQUEST FOR RULEMAKING (RFR)**

**1. Department:**

Insurance and Financial Services

**2. Bureau:**

Insurance

**3. Promulgation type:**

Full Process

**4. Title of proposed rule set:**

Utilization Review

**5. Rule numbers or rule set range of numbers:**

R 500.61 through R 500.85

**6. Estimated time frame:**

3 months

**Name of person filling out RFR:**

Catherine Hart

**E-mail of person filling out RFR:**

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**Phone number of person filling out RFR:**

517-284-8720

**Address of person filling out RFR:**

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**7. Describe the general purpose of these rules, including any problems the changes are intended to address.**

These rules are mandatory under Section 3157a of the Insurance Code, MCL 500.3157a, which was added by Public Act 21 of 2019. Section 3157a was intended to help lower overall costs of automobile insurance by ensuring that persons injured in motor vehicle accidents receive an appropriate level of care. Under that section, DIFS is required to promulgate rules that will establish criteria or standards for utilization review that identify utilization of treatment, products, services, or accommodations under the no-fault automobile insurance statute that are above the usual range of utilization based on medically accepted standards. "Utilization review" is the initial evaluation by an insurer or the Michigan Catastrophic Claims Association of the appropriateness, based on medically accepted standards, of the level and the quality of treatment, products, services, or accommodations provided under personal protection insurance benefits. The rules must include a process by which medical providers submit records to, and comply with, any decision of DIFS regarding utilization review.

**8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).**

The rules are mandatory under Section 3157a(3) of the Insurance Code, MCL 500.3157a(3), which requires DIFS to promulgate rules to establish a utilization review program.

**A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).**

MCL 500.3157a(3)

**B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.**

Yes; the rules are mandatory under Section 3157a(3) of the Insurance Code, MCL 500.3157a(3), which requires DIFS to promulgate rules to establish a utilization review program.

**9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.**

These rules do not conflict with or duplicate similar regulations, compliance requirements or other standards adopted at the state, regional, or federal level. The utilization review program is a new requirement established by Public Act 21 of 2019, which substantially amended the provisions of the Insurance Code related to no-fault automobile insurance.

**10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?**

No.

**11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?**

No.

**12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?**

Full Process

**13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.**

These rules do not exceed similar regulations, compliance requirements or other standards adopted at the state, regional, or federal level. The utilization review program is a new requirement established by Public Act 21 of 2019, which substantially amended the provisions of the Insurance Code related to no-fault automobile insurance.

**14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.**

No.

**15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.**

These rules do not amend an existing rule set.

**16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?**

No.

**17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.**

No