

Act No. 136
Public Acts of 1997
Approved by the Governor
November 17, 1997

Filed with the Secretary of State
November 17, 1997

EFFECTIVE DATE: 91st day after adjournment of 1997 Regular Session

STATE OF MICHIGAN
89TH LEGISLATURE
REGULAR SESSION OF 1997

Introduced by Reps. Crissman, McBryde and Goschka

Reps. Baade, Baird, Basham, Birkholz, Bogardus, Cassis, Curtis, Dalman, DeHart, Dobb, Dobronski, Freeman, Gagliardi, Gernaat, Gubow, Jelinek, Kukuk, LaForge, Law, Martinez, Middleton, Nye, Oxender, Profit, Quarles, Richner, Rison, Rocca, Schauer, Schroer, Scott, Thomas, Vaughn, Voorhees and Wallace named co-sponsors

ENROLLED HOUSE BILL No. 4080

AN ACT to amend 1978 PA 368, entitled "An act to protect and promote the public health; to codify, revise, consolidate, classify, and add to the laws relating to public health; to provide for the prevention and control of diseases and disabilities; to provide for the classification, administration, regulation, financing, and maintenance of personal, environmental, and other health services and activities; to create or continue, and prescribe the powers and duties of, departments, boards, commissions, councils, committees, task forces, and other agencies; to prescribe the powers and duties of governmental entities and officials; to regulate occupations, facilities, and agencies affecting the public health; to regulate health maintenance organizations and certain third party administrators and insurers; to provide for the imposition of a regulatory fee; to promote the efficient and economical delivery of health care services, to provide for the appropriate utilization of health care facilities and services, and to provide for the closure of hospitals or consolidation of hospitals or services; to provide for the collection and use of data and information; to provide for the transfer of property; to provide certain immunity from liability; to regulate and prohibit the sale and offering for sale of drug paraphernalia under certain circumstances; to provide for penalties and remedies; to provide for sanctions for violations of this act and local ordinances; to repeal certain acts and parts of acts; to repeal certain parts of this act; and to repeal certain parts of this act on specific dates," by amending section 21004 (MCL 333.21004), as amended by 1982 PA 354.

The People of the State of Michigan enact:

Sec. 21004. (1) "Emergency health services" means medically necessary services provided to an enrollee for the sudden onset of a medical condition that manifests itself by signs and symptoms of sufficient severity, including severe pain, such that the absence of immediate medical attention could reasonably be expected to result in serious jeopardy to the individual's health or to a pregnancy in the case of a pregnant woman, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part. A health maintenance organization shall not deny payment for emergency health services up to the point of stabilization provided to an enrollee under this subsection because of either of the following:

(a) The final diagnosis.

(b) Prior authorization was not given by the health maintenance organization before emergency health services were provided.

(2) "Enrollee" means an individual who is entitled to receive health maintenance services under a health maintenance contract.

(3) "Stabilization" means the point at which no material deterioration of a condition is likely, within reasonable medical probability, to result from or occur during transfer of the patient.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.