



# HOUSE BILL No. 5836

May 24, 2000, Introduced by Rep. Law and referred to the Committee on Insurance and Financial Services.

A bill to amend 1956 PA 218, entitled  
"The insurance code of 1956,"  
by amending section 3406k (MCL 500.3406k), as added by 1998  
PA 125.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 3406k. (1) An expense-incurred hospital, medical, or  
2 surgical policy or certificate delivered, issued for delivery, or  
3 renewed in this state that provides coverage for emergency health  
4 services shall provide coverage for medically necessary services  
5 provided to an insured for the sudden onset of a medical condi-  
6 tion that manifests itself by signs and symptoms of sufficient  
7 severity, including severe pain, such that the absence of immedi-  
8 ate medical attention could reasonably be expected to result in  
9 serious jeopardy to the individual's health or to a pregnancy in  
10 the case of a pregnant woman, serious impairment to bodily

1 functions, or serious dysfunction of any bodily organ or part.

2 An insurer shall not deny payment for emergency health services  
3 up to the point of stabilization provided to an insured under  
4 this subsection because of either of the following:

5 (a) The final diagnosis.

6 (b) Prior authorization was not given by the insurer before  
7 emergency health services were provided.

8 (2) AN INSURER SUBJECT TO THIS SECTION SHALL NOT ENCOURAGE  
9 OR DIRECT AN INSURED TO AN EMERGENCY HEALTH SERVICES RESPONSE AND  
10 TRANSPORTATION SYSTEM IN COMPETITION WITH OR IS A SUBSTITUTION  
11 FOR THE 9-1-1 EMERGENCY HEALTH SERVICES SYSTEM OR OTHER STATE OR  
12 LOCAL UNIT OF GOVERNMENT EMERGENCY HEALTH SERVICES SYSTEM.

13 (3) SUBSECTION (2) DOES NOT PROHIBIT AN INSURER FROM USING  
14 OR REQUIRING TRANSPORTATION OUTSIDE THE 9-1-1 EMERGENCY HEALTH  
15 SERVICES SYSTEM OR OTHER STATE OR LOCAL UNIT OF GOVERNMENT EMER-  
16 GENCY HEALTH SERVICES SYSTEM FOR NONEMERGENCY HEALTH SERVICES.

17 (4) AN INSURER SHALL NOT REQUIRE AN INSURED TO OBTAIN PRIOR  
18 AUTHORIZATION BEFORE ACCESSING THE 9-1-1 SYSTEM OR OTHER STATE OR  
19 LOCAL UNIT OF GOVERNMENT EMERGENCY HEALTH SERVICES SYSTEM FOR  
20 EMERGENCY HEALTH SERVICES.

21 (5) AN INSURER SHALL NOT USE FALSE OR MISLEADING LANGUAGE IN  
22 ANY MATERIALS PROVIDED TO INSURED TO DISCOURAGE OR PROHIBIT AN  
23 INSURED FROM ACCESSING THE 9-1-1 SYSTEM FOR EMERGENCY HEALTH  
24 SERVICES.

25 (6) ~~-(2)-~~ As used in this section, "stabilization" means the  
26 point at which no material deterioration of a condition is

**1** likely, within reasonable medical probability, to result from or  
**2** occur during transfer of the patient.