

**SUBSTITUTE FOR  
HOUSE BILL NO. 4460**

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
(MCL 333.1101 to 333.25211) by adding section 24509 to article 18.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           **Sec. 24509. (1) Subject to subsection (2), a nonparticipating**  
2 **provider who is providing a health care service to a nonemergency**  
3 **patient shall provide the disclosure described in subsection (3) to**  
4 **the nonemergency patient at the earliest of the following:**

5           **(a) If the health care service is being provided in a health**  
6 **facility described in section 24502(5) (a), (b), (c), (e), or (f),**  
7 **at least 14 days before providing the health care service or, if**  
8 **the health care service is being provided in a health facility**  
9 **described in section 24502(5) (d), at the time of the**



1 nonparticipating provider's first contact with the nonemergency  
2 patient regarding the health care service.

3 (b) During 1 of the following:

4 (i) A presurgical consultation for the health care service.

5 (ii) A scheduling or intake call for the health care service.

6 (iii) A preoperative review for the health care service.

7 (iv) Any other contact occurring before a health care service  
8 that is similar to a contact described in subparagraph (i), (ii), or  
9 (iii).

10 (2) A nonparticipating provider shall not provide the  
11 disclosure described in subsection (3) to a nonemergency patient at  
12 the time of the nonemergency patient's admittance to a health  
13 facility described in section 24502(5) (a), (b), (c), (e), or (f),  
14 or at the time of preparing the nonemergency patient for a surgery  
15 or another medical procedure.

16 (3) The disclosure required under subsection (1) must be in  
17 not less than 12-point type and in substantially the following  
18 form:

19 "Your health benefit plan may or may not provide coverage for  
20 all of the health care services you are scheduled to receive or the  
21 providers providing those services. You may be responsible for the  
22 costs of the services that are not covered by your health benefit  
23 plan.

24 The nonparticipating provider must provide a good-faith  
25 estimate of the cost of the health care services to be provided.

26 You also have a right to request that the health care services  
27 be performed by a provider that participates with your health  
28 benefit plan, and may contact your insurer to arrange for those  
29 services to be provided at a lower cost.



1 I have received, read, and understand this disclosure.

2 \_\_\_\_\_  
 3 (Patient or patient's representative's signature) (Date)

4 \_\_\_\_\_  
 5 (Type or print name of patient or patient's representative)".

6 (4) A nonparticipating provider shall do all of the following:

7 (a) Complete the disclosure described in subsection (3) and,  
 8 after completing the disclosure, obtain on the disclosure the  
 9 signature of the nonemergency patient, or that patient's  
 10 representative, acknowledging that the nonemergency patient, or  
 11 that patient's representative, has received, has read, and  
 12 understands the disclosure.

13 (b) Retain a copy of the disclosure required under this  
 14 section for not less than 7 years.

15 (c) Provide the patient or that patient's representative with  
 16 a good-faith estimate of the cost of the health care services to be  
 17 provided to the patient.

18 (5) A nonparticipating provider who fails to provide the  
 19 disclosure as required under this section shall accept from the  
 20 patient's insurer, as payment in full, the greater of the  
 21 following:

22 (a) Subject to section 24510, the average amount negotiated by  
 23 the patient's health benefit plan with participating providers for  
 24 the health care service provided, excluding any in-network  
 25 coinsurance, copayments, or deductibles.

26 (b) One hundred and fifty percent of the amount that would be  
 27 covered by Medicare for the health care service provided, excluding  
 28 any in-network coinsurance, copayments, or deductibles.

29 Enacting section 1. This amendatory act does not take effect



1 unless all of the following bills of the 100th Legislature are  
2 enacted into law:

3 (a) House Bill No. 4459.

4 (b) House Bill No. 4990.

5 (c) House Bill No. 4991.

