

SENATE BILL NO. 817

January 18, 2022, Introduced by Senator WOZNIAK and referred to the Committee on Insurance and Banking.

A bill to amend 1956 PA 218, entitled
"The insurance code of 1956,"
by amending section 3151 (MCL 500.3151), as amended by 2019 PA 22.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3151. (1) If the mental or physical condition of a person
2 is material to a claim that has been or may be made for past or
3 future personal protection insurance benefits, at the request of an
4 insurer **and on a showing of good cause to a court**, the person shall
5 submit to mental or physical examination by physicians. A personal
6 protection insurer may include reasonable provisions that are in

1 accord with this section in a personal protection insurance policy
2 for mental and physical examination of persons claiming personal
3 protection insurance benefits.

4 (2) A physician who conducts a mental or physical examination
5 under this section must be licensed as a physician in this state or
6 another state and meet the following criteria, as applicable:

7 (a) If care is being provided to the person to be examined by
8 a specialist, the examining physician must specialize in the same
9 specialty as the physician providing the care, and if the physician
10 providing the care is board certified in the specialty, the
11 examining physician must be board certified in that specialty.

12 (b) During the year immediately preceding the examination, the
13 examining physician must have devoted a majority of his or her
14 professional time to either or both of the following:

15 (i) The active clinical practice of medicine and, if
16 subdivision (a) applies, the active clinical practice relevant to
17 the specialty.

18 (ii) The instruction of students in an accredited medical
19 school or in an accredited residency or clinical research program
20 for physicians and, if subdivision (a) applies, the instruction of
21 students is in the specialty.

22 **(3) The insurer that requests or physician who conducts an**
23 **examination under this section shall provide a statement of how the**
24 **physician meets the requirements of subsection (2) to the person**
25 **examined.**

26 **(4) A physician who conducts an examination under this section**
27 **shall provide to the person examined or the person's attorney a**
28 **list of all other cases in which, during the previous 4 years, the**
29 **physician has testified as an expert at trial or by deposition and**

1 statements of the compensation the physician received in connection
2 with those cases, and the compensation to be paid the physician for
3 the examination and any testimony.

4 (5) A physician who conducts an examination under this
5 section, or any entity through which the physician offers his or
6 her services, shall not charge more than the following percentage
7 of the average amount that the physician charged, or entity charged
8 for the physician, for an equivalent examination on January 1,
9 2019:

10 (a) For an examination conducted before July 2, 2020, 55%.

11 (b) For an examination conducted after July 1, 2020 and before
12 July 2, 2021, 54%.

13 (c) For an examination conducted after July 1, 2021 and before
14 July 2, 2022, 52.5%.

15 (6) A person being examined under this section may elect
16 either or both of the following:

17 (a) That the examination be recorded by either audio or audio-
18 visual means.

19 (b) That the person have an attorney or other individual
20 present at the examination.