

# HOUSE BILL No. 4978

June 19, 2001, Introduced by Reps. Reeves, Bovin, Schauer, Adamini, Rivet, Bernero, Hardman, Phillips and Lemmons and referred to the Committee on Insurance and Financial Services.

A bill to amend 1956 PA 218, entitled  
"The insurance code of 1956,"  
(MCL 500.100 to 500.8302) by adding section 3518.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 3518. (1) IF REQUESTED BY AN ENROLLEE, A HEALTH MAIN-  
2 TENANCE ORGANIZATION SHALL PROVIDE OR AUTHORIZE A SECOND OPINION  
3 BY AN APPROPRIATELY QUALIFIED HEALTH PROFESSIONAL FOR ANY OF THE  
4 FOLLOWING REASONS:

5 (A) IF THE ENROLLEE QUESTIONS THE REASONABLENESS OR NECES-  
6 SITY OF A RECOMMENDED SURGICAL PROCEDURE.

7 (B) IF THE ENROLLEE QUESTIONS A DIAGNOSIS OR PLAN OF CARE  
8 FOR A CONDITION THAT THREATENS LOSS OF LIFE, LOSS OF LIMB, LOSS  
9 OF BODILY FUNCTION, OR SUBSTANTIAL IMPAIRMENT, INCLUDING, BUT NOT  
10 LIMITED TO, A SERIOUS CHRONIC CONDITION.

1 (C) IF THE CLINICAL INDICATIONS ARE NOT CLEAR OR ARE COMPLEX  
2 AND CONFUSING, A DIAGNOSIS IS IN DOUBT DUE TO CONFLICTING TEST  
3 RESULTS, OR THE TREATING HEALTH PROFESSIONAL IS UNABLE TO DIAG-  
4 NOSE THE CONDITION.

5 (D) IF THE TREATMENT PLAN IN PROGRESS IS NOT IMPROVING THE  
6 ENROLLEE'S MEDICAL CONDITION WITHIN AN APPROPRIATE PERIOD OF TIME  
7 GIVEN THE DIAGNOSIS AND PLAN OF CARE.

8 (2) IF THE HEALTH MAINTENANCE ORGANIZATION APPROVES A  
9 REQUEST FOR A SECOND OPINION TO BE GIVEN BY A NONAFFILIATED QUAL-  
10 IFIED HEALTH PROFESSIONAL, THE HEALTH MAINTENANCE ORGANIZATION IS  
11 RESPONSIBLE TO PAY FOR THE SECOND OPINION ONLY WHAT THE HEALTH  
12 MAINTENANCE ORGANIZATION WOULD PAY FOR A SECOND OPINION BY AN  
13 AFFILIATED QUALIFIED HEALTH PROFESSIONAL.

14 (3) AS USED IN THIS SECTION, "APPROPRIATELY QUALIFIED HEALTH  
15 PROFESSIONAL" MEANS A PRIMARY CARE PHYSICIAN OR A SPECIALIST WHO  
16 IS ACTING WITHIN HIS OR HER SCOPE OF PRACTICE AND WHO POSSESSES A  
17 CLINICAL BACKGROUND, INCLUDING TRAINING AND EXPERTISE, RELATED TO  
18 THE PARTICULAR ILLNESS, DISEASE, OR CONDITION ASSOCIATED WITH THE  
19 REQUEST FOR A SECOND OPINION.