

VIATICAL SETTLEMENT CONTRACTS (EXCERPT)
Act 386 of 1996

550.524 Documents to be obtained by provider; right to avoid or rescind contract.

Sec. 4.

(1) A provider entering into a contract with a viator shall obtain both of the following:

(a) A written statement from a physician that the viator is of sound mind and under no constraint or undue influence.

(b) A signed document by the viator stating:

(i) Consent to the contract.

(ii) Acknowledgment of the terminal illness or condition.

(iii) Representation that the viator has a full and complete understanding of the contract.

(iv) Representation that the viator has a full and complete understanding of the benefits of the policy.

(v) A release of the medical records and acknowledgment that the contract has been entered into freely and voluntarily. The provider shall keep all medical records received under this subparagraph confidential.

(2) A viatical settlement contract entered into in this state shall contain a provision giving the viator the right to void the contract for at least 30 days after the date the contract is signed, or 15 days after the receipt of the viatical settlement contract consideration, whichever is less. The provider shall notify the insurer of the policy of a rescission within 30 days of the date that a contract is rescinded under this subsection.

History: 1996, Act 386, Eff. Mar. 31, 1997

Compiler's Notes: For transfer of authority, powers, duties, functions, and responsibilities of the insurance bureau and the commissioner of insurance to the commissioner of the office of financial and insurance services and the office of financial and insurance services, see E.R.O. No. 2000-2, compiled at MCL 445.2003 of the Michigan compiled laws.