

TO THE HONORABLE BOARD OF COMMISSIONERS OF BERRIEN COUNTY approves the following:

RESOLUTION

WHEREAS, the Michigan No-Fault Auto Insurance Reform Act of 2019 (PA 21 & 22) introduced a fee schedule/cap, which took final effect on July 1, 2021, but is being applied retroactively, setting percentage limits on how much residential care facilities, home health care providers, and other persons can be paid or reimbursed for providing treatment or care to auto accident victims; and

WHEREAS, the reimbursement rates under the Michigan Auto Insurance Fee Schedule now allows residential care facilities, home health care providers and other persons who lawfully render treatment to receive 200% of what Medicare reimburses, regardless of limitation, 55% of a providers Charge Description Master (CDM) as of January 1, 2019 and/or if the preceding two obligations are not met, 55% of a providers average charges for which they received payment on January 1, 2019; and

WHEREAS, as a result of the statutory changes, Michigan Auto Insurance companies are paying providers 45% less than what they were receiving in January 2019 and as a result, home health care providers are being reimbursed between \$14-\$18 per hour and payments to a family-provided attendant is restricted to 8 hours of care per day regardless of need; and

WHEREAS, these fee caps also affect the auto accident victims who are receiving long-term care and rehabilitation paid for by the Michigan Catastrophic Claims Association (MCCA); and

WHEREAS, even though lifetime medical benefits are still guaranteed under the 2019 Michigan Auto-Insurance Reform Act, for those injured prior to 2019 and for those who purchase Unlimited Personal Injury Protection (PIP) policies under the new law, these benefits are extremely reduced due to fee schedules and caps; and

WHEREAS, there were many Berrien County residents, and their families, benefitting from services pertaining to their care, recovery, and rehabilitation from catastrophic injuries that now have limited coverage under the new law costing them the care they had previously paid for.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Berrien County Board of Commissioners hereby urges the Michigan Legislature to amend the Michigan No-Fault Auto Insurance Reform Act to address a sustainable reimbursement cap based on an existing Government payers (Medicaid, Veterans Affairs, etc.) for residential care facilities, and home health providers, and families regardless of number of hours worked, who provide medically necessary care to auto accident victims.

BE IT FURTHER RESOLVED that the Berrien County Clerk is requested to forward copies of the adopted resolution to the Governor, Legislators, and the other 82 counties in Michigan.

BERRIEN COUNTY BOARD OF COMMISSIONERS

Mamie L. Warbrough
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