



June 15, 2022

The Honorable Governor Gretchen Whitmer  
P.O. Box 30013  
Lansing, MI 48909-7536

Dear Governor Whitmer:

The burden continues to get heavier for Michigan families and businesses as a result of the Michigan Auto No-Fault Reform law's devastating fallout. Since the Michigan Legislature has not addressed the unintended consequences of the No-Fault 'fix' passed by the previous legislature, we urge you to use your power of your office to make one change to the law to ensure crash survivor's continued home medical care and keep families together.

You can strengthen our state's protections even further by changing only one of the cost saving reforms addressed, the 45% cut to post-acute providers. We are NOT advocating for changes to PIP choice, the \$250k cap on assigned claims, utilization review, fraud prevention, or the 200% cap on Medicare codes. Addressing the 55% cap on post-acute care will immediately save vital care to thousands of catastrophically injured, and save hundreds of good companies and thousands of health care jobs.

The growing care crisis has put home care agencies out of business and denied patients the medically necessary care needed to survive. Since the new law went into effect July 2, 2021, homecare providers have been overwhelmed with phone calls from crash survivors and their families seeking care. The insurance lobby claimed "people are still receiving the medical care they need under the law." Tell that to the 18,000 crash survivors who paid and were promised lifesaving care by their insurance carrier in the event of a catastrophic auto injury. Unlike many other medical services, home care is a very competitive business, therefore, preventing provider overcharging. Home care is the low-cost alternative to expensive hospitalization and institutional care.

Court after court has ruled the fee schedule of the new No-Fault law unconstitutional and recently the Michigan Court of Appeals heard oral arguments on a lawsuit that addresses retroactivity in two reimbursement provisions of the new law. While we support and agree with the plaintiffs, the courts are not the best solution due to cost and delays. The right thing to do is to fix the mistake by restoring reasonable reimbursement for medically necessary home care.

Keeping families together should be a top priority. You have listened to Michigan families and homecare companies about the tsunami that the new law has caused. Now it is time to call on the legislative leaders to act before leaving for summer vacations.

Sincerely,

A handwritten signature in blue ink that reads 'Barry S. Cargill'.

Barry S. Cargill, President & CEO  
Michigan HomeCare & Hospice Association