



Macomb County Board of Commissioners

RESOLUTION NO. 2022-9134

Adopted: November 23, 2022

A RESOLUTION URGING STATE LEGISLATURE TO AMEND THE MICHIGAN AUTO INSURANCE REFORM ACT TO AMEND THE REIMBURSEMENT CAP FOR AUTO ACCIDENT VICTIMS AND HOME HEALTH CARE

Chair Don Brown, Commissioners Michelle Nard, Don VanSyckel, Antoinette Wallace, Mai Xiong and Barbara Zinner, on behalf of the Macomb County Board of Commissioners, offer the following Resolution:

WHEREAS, the Michigan No-Fault Auto Insurance Reform Act of 2019 introduced a fee schedule/cap, which took final effect on July 1, 2021, that set percentage limits on the amount 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 Medicare, for what Medicare reimburses, regardless of limitation, 55% of a providers Charge Description Master (CDM) as of January 1, 2019, and/or if the following two obligations are not met, 55% of a providers average charges for which they received payment on January 1, 2019; and

WHEREAS, the Michigan No-Fault Auto Insurance Reform Act applies retroactively, including the fee schedule cap, which affects individuals who purchased coverage and were injured in motor vehicle accidents before the No-Fault Act was amended in 2019 and now have limited access to care; and

WHEREAS, the hours of family-provided attendant care to a claimant impacted by a catastrophic auto accident were once able to be up to 24/7, as prescribed by the claimants prescribing physician, but are now limited to 8 hours of care per day regardless of patient need despite the financial obligation of paying other resources more monies; and

WHEREAS, these changes result in an unsustainable situation for those catastrophically injured in an auto accident and requiring care.

NOW, THEREFORE, BE IT RESOLVED that the Macomb 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 payor (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 in order to uphold these benefits that have been paid for by the survivors who currently are receiving and who will receive long-term care when purchasing an Unlimited PIP Auto Insurance policy paid by the Michigan Catastrophic Claims Association.

BE IT FURTHER RESOLVED that the this resolution be forwarded to the Governor of the State of Michigan, the State Senate Majority and Minority leaders, the State House Speaker and Minority Leader, the members of the Macomb County delegation to the Michigan Legislature.

DON BROWN, Board Chair

MICHELLE NARD, District 1 Commissioner

DON VANSYCKEL, District 5 Commissioner

ANTOINETTE WALLACE, District 9 Commissioner

MAI XIONG, District 2 Commissioner

BARBARA ZINNER, District 10 Commissioner

ANTHONY FORLANI, Clerk/Register of Deeds