

SUBSTITUTE FOR
HOUSE BILL NO. 5245

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 1445 (MCL 600.1445).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1445. (1) ~~Whenever in any proceedings before any~~ **IF A**
2 court, board or commission, or other public body or officer ~~—, an~~
3 ~~order is made by such court, board or commission, or other public~~
4 ~~body or officer, requiring and commanding that a person shall~~
5 **ORDERS AN INDIVIDUAL TO** submit to a physical examination, the order
6 shall ~~also provide that the~~ **NOTIFY THE INDIVIDUAL THAT HE OR SHE**
7 **HAS THE RIGHT TO HAVE HIS OR HER** attorney ~~for such person may be~~
8 present at ~~such~~ **THE** physical examination. ~~if the party to such~~
9 ~~examination desires that an attorney representing him be present.~~
10 (2) ~~The~~ **EXCEPT AS OTHERWISE DETERMINED BY THE COURT, BOARD**

1 OR COMMISSION, OR OTHER PUBLIC BODY OR OFFICER, THE order may ~~also~~
2 ~~recite and~~ provide that the ~~party to be examined~~ **INDIVIDUAL**
3 shall, at least 3 days prior to the date set for ~~said~~ **THE**
4 examination, be paid a fee of \$2.00 per diem for ~~the day ordered~~
5 ~~for~~ attendance ~~,~~ and ~~that such party also be~~ paid a mileage
6 fee ~~at the rate~~ of 10 cents per mile, ~~going to the place at~~
7 attendance, ~~to be~~ **1 WAY**, estimated from the **INDIVIDUAL'S**
8 residence. ~~of such party.~~ The court, board or commission, or
9 other public body or officer ~~,~~ may ~~in its order~~ determine the
10 **PER DIEM** fees and mileage fees ~~to be paid, and when so fixed, such~~
11 ~~determination shall be conclusive~~ **THAT THE INDIVIDUAL IS ENTITLED**
12 **TO RECEIVE.**

13 (3) A ~~correct~~ copy of any written report and findings
14 rendered by the examining **LICENSED** physician **OR CERTIFIED NURSE**
15 **PRACTITIONER** relative to the condition of ~~such person~~ **THE**
16 **INDIVIDUAL** shall be delivered forthwith to ~~such person~~ **THE**
17 **INDIVIDUAL** or his **OR HER** attorney. X-rays, cardiograms, and like
18 diagnostic aids shall be made available for inspection by ~~such~~
19 ~~person or other person designated by him~~ **THE INDIVIDUAL OR HIS OR**
20 **HER DESIGNATED REPRESENTATIVE**, upon reasonable notice. **THIS**
21 **SUBSECTION, AS AMENDED BY THE AMENDATORY ACT THAT ADDED THIS**
22 **SENTENCE, DOES NOT REQUIRE NEW OR ADDITIONAL THIRD PARTY**
23 **REIMBURSEMENT OR WORKER'S COMPENSATION BENEFITS FOR SERVICES**
24 **RENDERED.**

25 (4) Notwithstanding any provision of this section, the rules
26 of the supreme court shall govern in appropriate cases.