

SENATE 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**

House Bill No. 5245 as amended February 21, 2006

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<<, **LICENSED PHYSICIAN'S**  
 15 **ASSISTANT,**>> OR **CERTIFIED NURSE**  
 16 **PRACTITIONER** relative to the condition of ~~such person~~ **THE**  
 17 **INDIVIDUAL** shall be delivered forthwith to ~~such person~~ **THE**  
 18 **INDIVIDUAL** or his OR HER attorney. X-rays, cardiograms, and like  
 19 diagnostic aids shall be made available for inspection by ~~such~~  
 20 ~~person or other person designated by him~~ **THE INDIVIDUAL OR HIS OR**  
 21 **HER DESIGNATED REPRESENTATIVE**, upon reasonable notice. **THIS**  
 22 **SUBSECTION 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  
 of the supreme court shall govern in appropriate cases.