

THE INSURANCE CODE OF 1956 (EXCERPT)
Act 218 of 1956

***** 500.129.added THIS ADDED SECTION IS EFFECTIVE MARCH 31, 2015 *****

500.129.added Medical retainer agreement not subject to act.

Sec. 129. (1) A medical retainer agreement is not insurance and is not subject to this act. Entering into a medical retainer agreement is not the business of insurance and is not subject to this act.

(2) A health care provider or agent of a health care provider is not required to obtain a certificate of authority or license under this act to market, sell, or offer to sell a medical retainer agreement.

(3) To be considered a medical retainer agreement for the purposes of this section, the agreement must meet all of the following requirements:

- (a) Be in writing.
- (b) Be signed by the health care provider or agent of the health care provider and the individual patient or his or her legal representative.
- (c) Allow either party to terminate the agreement on written notice to the other party.
- (d) Describe and quantify the specific routine health care services that are included in the agreement.
- (e) Specify the fee for the agreement.
- (f) Specify the period of time under the agreement.
- (g) Prominently state in writing that the agreement is not health insurance.
- (h) Prohibit the health care provider and the patient from billing an insurer or other third party payer for the services provided under the agreement.
- (i) Prominently state in writing that the individual patient must pay the provider for all services not specified in the agreement and not otherwise covered by insurance.

(4) As used in this section:

(a) "Health care provider" means an individual or other legal entity that is licensed, registered, or otherwise authorized to provide a health care service in this state under the public health code, 1978 PA 368, MCL 333.1101 to 333.25211. Health care provider includes an individual or other legal entity alone or with others professionally associated with the individual or other legal entity.

(b) "Medical retainer agreement" means a contract between a health care provider and an individual patient or his or her legal representative in which the health care provider agrees to provide routine health care services to the individual patient for an agreed-upon fee and period of time.

(c) "Routine health care service" means only the following:

(i) Screening, assessment, diagnosis, and treatment for the purpose of promotion of health or the detection and management of disease or injury.

(ii) Medical supplies and prescription drugs that are dispensed in a health care provider's office or facility site.

(iii) Laboratory work including routine blood screening or routine pathology screening performed by a laboratory that meets either of the following requirements:

(A) Is associated with the health care provider that is a party to the medical retainer agreement.

(B) If not associated with the health care provider as described in sub-subparagraph (A), has entered into an agreement with the health care provider that is a party to the medical retainer agreement to provide the laboratory work without charging a fee to the patient for the laboratory work.

History: Add. 2014, Act 522, Eff. Mar. 31, 2015.