

HEALTH INSURANCE CLAIMS ASSESSMENT ACT (EXCERPT)
Act 142 of 2011

***** 550.1735 THIS SECTION IS REPEALED BY ACT 173 OF 2018 EFFECTIVE: See MCL 550.1731a

550.1735 Records; failure to file return or keep proper records; right of department to impose assessment.

Sec. 5. (1) A carrier or third party administrator liable for an assessment under this act shall keep accurate and complete records and pertinent documents as required by the department. Records required by the department shall be retained for a period of 4 years after the assessment imposed under this act to which the records apply is due or as otherwise provided by law.

(2) If the department considers it necessary, the department may require a person, by notice served upon that person, to make a return, render under oath certain statements, or keep certain records the department considers sufficient to show whether that person is liable for the assessment under this act.

(3) If a carrier or third party administrator fails to file a return or keep proper records as required under this section, or if the department has reason to believe that any records kept or returns filed are inaccurate or incomplete and that additional assessments are due, the department may assess the amount of the assessment due from the carrier or third party administrator based on information that is available or that may become available to the department. An assessment under this subsection is considered prima facie correct under this act, and a carrier or third party administrator has the burden of proof for refuting the assessment.

History: 2011, Act 142, Imd. Eff. Sept. 20, 2011.

Compiler's note: Enacting section 2 of Act 142 of 2011 provides:

"Enacting section 2. This act is repealed effective January 1, 2014."

Enacting section 2 of Act 58 of 2013 provides:

"Enacting section 2. This act is repealed effective January 1, 2018."

Enacting section 1 of Act 50 of 2016 provides:

"Enacting section 1. Enacting section 2 of 2011 PA 142, as amended by 2013 PA 58, is repealed."