



Friday, August 13, 2021

Article 6

Group Blasts DIFS Over Auto No-Fault Bulletin

The Michigan Brain Injury Provider Council took aim Friday at the Department of Insurance and Financial Services over a bulletin issued this week related to the state's updated auto insurance law, calling it misleading and ignoring changes to statute capping reimbursements for services.

In a Friday release the group said the DIFS bulletin contained inaccurate information, accusing the state of covering for lawmakers and interest groups over the changes in law it says are prompting chaos among survivors of catastrophic auto crashes in need of care.

DIFS on Thursday announced it had issued a bulletin to clarify guidance on the auto insurance law's attendant care provision. The department cited what it called a misconception about the 56-hour cap on attendant care, urging those entitled to more than 56 hours of care to contact their insurer and ask about entering into a contract for additional hours of family-attended care or for it to be provided by someone else (See **Gongwer Michigan Report, August 12, 2021**).

Tom Judd, president of the Michigan Brain Injury Provider Council, in a statement said the 55 percent reimbursement cap for providers of acute care was ignored in the DIFS bulletin, which he said is causing survivors to lose their care.

He said families who rearranged their lives to care for loved ones are being told their services are being capped. Further, he said the law change not only makes it difficult to find providers to cover hours beyond the 56-hour cap but also makes it impossible for providers to pay staff living wages and to remain in business.

"It is a one-two punch that is cruel and inhumane – the results of which have created the current catastrophic care crisis," Mr. Judd said. "Insurance companies are using the leverage of the 56-hour cap to strong-arm families into accepting reimbursement rates that are far below what's reasonable or customary in any market."

Mr. Judd added that DIFS cannot direct an insurer to pay beyond the 55 percent cap.

"Changing the law requires a legislative solution – that is how things work, and that fact is well understood by DIFS and Governor Whitmer's administration," Mr. Judd said. "They have made this very point in their form letters responding to patients and families who have urged them to take action."

The governor last month signed a post-acute care fund bill that supporters said would backfill provider financials as the Legislature weighs potential fee schedule changes (See **Gongwer Michigan Report, July 15, 2021**).

Groups including Mr. Judd's have said permanent solutions are needed. Fee schedule change legislation has been introduced but has not been taken up in either chamber.

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