

June 9, 2022

RE: Support for HB 5999

Chairperson Rendon:

The Michigan Brain Injury Provider Council (MBIPC) supports HB 5999. On February 11, 2022, MBIPC received a response to a FOIA request seeking the total number of auto insurance complaints filed to DIFS from July 1, 2021 through January 31, 2022, in an effort to confirm the public statements made by DIFS related to the number of complaints they received. The number of complaints provided in the response was 1,365 (well over the roughly 100 complaints DIFS discussed through media publications). Further inquiry requested these complaints be grouped by categories, in order to decipher how many were related to the implementation of PA 21 and 22 policies. MBIPC was informed that DIFS does not group complaints in categories; therefore, an accounting of each complaint was requested with hopes of gleaning further information on the nature of the over 1300 complaints. That information was quoted at a cost \$42,358. Clearly, there needs to be more transparency from the Department and accountability for the tracking of their complaints. HB 5999 would help with these objectives.

MBIPC has also learned that DIFS bundles their complaints from a single entity – whether it be consumer or medical provider – into one “complaint file”. This allows them to keep down the total number of complaints by reducing complaints from one source. For example, if a consumer filed 15 different complaints due to access to care or poor treatment from their insurer, DIFS counts this as 1 complaint in their total. These types of practices need to be explained to the legislature and public so that there is a clearer picture of the nature and quantity of complaints being filed by consumers and medical providers.

Lastly, MBIPC acknowledges some of DIFS efforts. While not consistent, many providers have had successful resolutions to their complaints surrounding payments for reasonably necessary services, products and accommodations, particularly in the last four months. However, it must be stated that even if DIFS is able to assist with resolutions, they have no authority to affect the devastating impact of the fee cap system that limits reimbursement to 55% of care providers 2019 charges. Until this injustice that is causing medical providers to turn away catastrophically injured referrals, discharge patients and in some cases completely shut their doors is fixed, any other tweak to the no-fault system aimed at addressing access to care is futile and misguided. The continuum of care in Michigan for catastrophically injured citizens is crumbling - causing thousands to lose their care and costing some their lives. While MBIPC supports HB 5999 to increase transparency and accountability to the complaint process, we urge this committee to quickly take up one of the many viable and narrow solutions to the fee schedule deserving a fair hearing. This issue deserves more than media attention and closed-door conversations – please fulfill your duties for which you were elected and appointed to this committee.

Thank you for your time and consideration.

Tom Judd, LMSW
Board President, Michigan Brain Injury Provider Council