

**STATE OF MICHIGAN
DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES**

Bulletin 2021-33-INS

In the matter of:

Contracts for Attendant Care
_____ /

**Issued and entered
this 9th day of September 2021
by Anita G. Fox
Director**

MCL 500.3157(10) states that, for attendant care provided in an injured person's home, an insurer is only required to pay for up to 56 hours per week of attendant care if the care is provided by: a) an individual who is related to the injured person; b) an individual who is domiciled in the household of the injured person; or c) an individual with whom the injured person had a business or social relationship before the injury. (This is sometimes referred to as "family-provided" attendant care.)

For hours of medically appropriate attendant care in excess of 56 hours per week, under law, the insurer has the option of entering into a contract with the injured person for more than 56 hours of "family-provided" attendant care; or the care may be provided by persons other than those described above. As of the date of this bulletin, insurers representing more than 90% of the market share in Michigan have told the Department they will consider contracting for more than 56 hours of "family-provided" attendant care. These insurers submitted sample contracts to the Department earlier this year.

The Department performed a limited review of these sample contracts to ensure that the offering of more than 56 hours per week was communicated clearly and in a manner that was consistent with the underlying insurance policy form, any applicable endorsements, and the Insurance Code. The Department did not review or approve any other provisions that may have been included in the sample contracts.

To the extent any auto insurer has interpreted the Department's review and/or approval of the sample contract as an approval of particular contract language or terms, or that any such terms are enforceable or non-negotiable, insurers are reminded that the Department's authority to review and approve policy forms is directed at ensuring compliance with applicable law.

Insurers and consumers with questions or concerns about negotiating contracts for family-provided attendant care for more than 56 hours per week should consider consulting legal counsel.

Consumers who have concerns that an insurer's contract terms may violate the Insurance Code may file a complaint with the Department at www.michigan.gov/DIFSComplaints or by calling the toll-free number below.

Any questions regarding this bulletin should be directed to:

Department of Insurance and Financial Services
Office of Consumer Services
P.O. Box 30220
Lansing, Michigan 48909-7720
Toll-Free: (877) 999-6442

/s/

Anita G. Fox
Director