



May 1, 2021




Farmington Hills, Michigan 48331

Effective Monday, July 1, 2021, M & M Home Care will no longer be able to provide Attendant Care to individuals who are covered by Michigan Auto No-Fault benefits!

Dear :

I write this letter with profound sadness. As you may be aware, in 2019 the Michigan Legislature passed a host of new auto insurance reform laws. One of the most devastating parts of the law is that the Michigan Legislature implemented a new fee schedule for services that are not compensated by Medicare – specifically Attendant Care services.

Sadly  the law is no longer focused on providing people with lifetime auto medical expense coverage for their care, recovery, or rehabilitation. Medical providers, including M & M Home Care, will be forced to accept drastically reduced payments for auto accident medical care. The new law imposes a mandatory 45% deduction of the fees that M & M Home Care (and ALL other providers) charges for Attendant Care services.

What this means in terms of dollars and cents, is that M & M Home Care will only receive approximately \$16.00/hour for our services from your insurance company. As you can imagine, this does not begin to cover the labor and benefit cost M & M Home Care is responsible to pay.

Thus, effective Monday, July 1, 2021, M & M Home Care will no longer be able to provide Attendant Care to individuals who are covered by Michigan Auto No-Fault benefits.

I sincerely wish there was an alternative but we simply have no choice. M & M Home Care is not alone in this situation. Based on the significant reduction in payments for non-Medicare payable services, such as Attendant Care, many providers will simply be unable to continue caring for patients. To complicate matters even further, it is unclear where patients will go to receive the specialized care, supervision, and treatment they need (and deserve).

Because of these reductions, existing (and future patients) will have severely limited access to care by July 2021, when the fee schedule goes into effect, creating significant problems for thousands of vulnerable accident victims.

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In short – This new law will directly, and negatively, effect any patient receiving Attendant Care services!

Many people are asking, “How will this effect ME and MY care?” Candidly, Carroll, you **MUST** be prepared for a **MAJOR** change that is coming. Because of the importance of this, I will restate that **effective Monday, July 1, 2021, M & M Home Care will no longer be able to provide Attendant Care to those individuals whom are using Michigan Auto No-Fault benefits.**

M & M Home Care will be hosting several virtual informational meetings over the next few weeks to help address your questions. In the meantime, I am including some common questions and answers that we know that are bound to be asked.

Again [REDACTED], I am profoundly sorry that we both have been forced into this position.

Michael Malecki, RN, CBIS
President

Cc: [REDACTED]

FREQUENTLY ASKED QUESTIONS

Q: Does this mean that M & M Home Care is going out of business??

A: No! M & M Home Care will continue to provide high quality patient care. We will continue providing Nursing Care, Occupational Therapy, Physical Therapy, Massage Therapy and more. But we have been forced to stop providing Attendant Care services to those most individuals covered by Michigan Auto No-Fault benefits.

Q: Doesn't the insurance company HAVE to pay for my care because I am "grandfathered in"?

A: The insurance company is not refusing to pay – that is simply not the case. The new law mandates M & M Home Care to bill at such a low hourly rate that we simply can't afford to provide Attendant Care services any longer.

Q: My insurance company HAS to pay because I have lifetime coverage!

A: The new law is VERY specific that M & M Home Care can ONLY charge the insurance company 55% of what they were charging 2 ½ years ago. On January 1, 2019, M & M Home Care was charging about \$28/hour, thus we will only be able to charge \$15.40 after July 2, 2021. This means we will lose money for every hour of care we provide.

Q: I heard there is a new Bill in Lansing that will fix all this mess. What's up with that?

A: House Bill 4486 and Senate Bill 314 have been introduced in Lansing. Sen. Jim Runestad, a White Lake Township Republican and co-sponsor of SB314, said he's trying to get the majority party's leadership to consider the bills with some urgency given the July 1 deadline. However, there is NO guarantee that the bill(s) will be passed. Sen Mike Shirley, the Speaker of the House, has been clear that he does not want to see any changes at this time.

We do not want to give anyone false hope. Unfortunately, you must prepare for the worst.

Q: Our son has a cervical spinal injury and is paralyzed. The insurance company can't just cut him off! Doesn't he deserve the care?

A: Yes, your son is deserving of care and, technically, they are not cutting off his benefits. The insurance companies will simply not pay enough to have a professional company, like M & M Home Care, provide his care after July 1, 2021.

Q: If M & M Home Care can't provide me care – who can??

A: We have really struggled with proving patients and family viable options. We sincerely don't have a good answer. Many reputable companies are going to be forced out of business because of this new law. There are companies that state they are moving forward – “business as usual”.

This approach seems very ill-advised and very reckless. We recommend that you consult with your Case Manager and/or attorney for additional guidance.

If you are able to find a new home care provider, M & M Home Care will work to assure that the transfer of your care is smooth and seamless.

Q: Can I pay M & M Home Care the difference between what the insurance company pays and what M & M Home Care charges for my care?

A: Maybe. There appears to be some uncertainty in the language of the legislation as to whether M & M Home Care can pursue a patient directly for payment of provider charges that exceed the new fee schedules.

We will be happy to sit down and discuss the details of this potential solution with you.

Q: What about my Physical Therapy, Occupational Therapy and Massage Therapy services that is provided by M & M Home Care?

A: Physical Therapy, Occupational Therapy and Massage Therapy services will NOT be disrupted. M & M Home Care will continue to provide these services, and many others like Skilled Nursing Care, Infusion Care, Wound Care, and many more.

Q: My husband and I have provided 24/7 care for our catastrophically injured son for 16 years. We have kept him safe through seizures, pneumonias, falls and adrenal crises and we have kept him from being re-hospitalized. What happens to us??

A: First off, the insurance company will only be required to pay for 56 hours of family provided attendant care per week. The insurance company can “contract” for additional hours provided by the family or any addition hours would have to be provided by a professional Home Care company. (That assumes you can find a company who can provide care for those additional hours.)

You should work with your Case Manager, Adjuster and/or Attorney to see if the insurer will permit more than 56 family hours/week.

Q: What will I do now?

A: It is likely that your condition requires continued care. M & M Home Care strongly encourages you to immediately take action to transfer your care to an appropriate health care provider or facility.

Alternatively, your insurer, family or acquaintances may be able to refer you to an appropriate provider. M & M Home Care will make your medical records available to your provider upon request.

Q: Can I sue the insurance company to make sure I receive my care?

A: M & M Home Care cannot provide any legal advice. We strongly recommend you contact your attorney.

Q: Will my Medicare cover my Attendant Care?

A: No. In the past, Medicare would not pay for auto accident injuries in Michigan. This is because everybody in Michigan had lifetime unlimited benefits, and Medicare always pays last, so it never had to pay. Even with these new changes, Medicare does not cover Attendant Care.

Q: I found a company and they say they can provide me Attendant Care but they don't have any staff. Can I keep the staff from M & M Home Care?

A: Generally, the answer is "No". The staff that is provided by M & M Home Care would generally not be eligible to provide your care through a new company. Most of our patients have signed a Non-Solicitation clause that states, "I agree that neither I, nor any one on my behalf, including paying another agency, person, or entity may employ any M & M Home Care staff for a period of one (1) year following completion of services rendered."

We have this provision in place as we have a significant investment in newly hired employees who are required to receive training and participate in an onboarding process.

Q: This new law is stupid and outrageous! Who can I call to fix this??

A: We agree that the new law is contemptable and will harm many people. You are certainly encouraged to contact any or all the following:

1. Your local Michigan House Representative
2. Your State Senator
3. Your insurance company
4. Your insurance agent (the person who sold you your policy)
5. The Michigan Department of Insurance & Financial Services (DIFS) 877.999.6442
6. Governor Whitmer 517.373.3400
7. Lieutenant Governor Garlin Gilchrist II 517.373.6800
8. Mike Shirkey, Majority Leader 517.373.5932
9. Jason Wentworth, Speaker of the House 517.373.8962
10. Lana Theis, Committee Chair – Insurance and Banking 517.373.2420
11. Associated Press (AP) Detroit Eva Parziale eparziale@ap.org 313.259.0650
12. Crain's Detroit Business Michael Lee malee@crain.com 877.824.9374
13. Detroit Catholic Michael Stechschulte stechschulte.michael@aod.org 313.596.7109
14. Detroit Free Press Peter Bhatia city@freepress.com 313.222.6400
15. Detroit Jewish News Andrew Lapin alapin@thejewishnews.com 248.354.6060
16. Detroit News Gary Miles gmiles@detroitnews.com 313.222.2323
17. WDET FM 101.9 (NPR) Jerome Vaughn jvaughn@wdet.org 313.577.4146
18. WDIV TV 4 Kim Voet news@wdiv.com 313.222.0500
19. WJBK TV 2 Kevin Roseborough kevin.roseborough@foxtv.com 248.557.2000

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DISCLAIMER: The FAQs are some of the questions that we frequently get asked. The questions and answers are not intended to be exhaustive and do not constitute legal advice for you or your particular question, issue or concern. The information, however, is intended to be helpful and to get you thinking in a more sophisticated manner about your issues and possibly will assist you to ask the right questions. Moreover, we encourage you to contact your Case Manager and/or your attorney to dialog further on your issues.