

**FY 2022-23: INSURANCE AND FINANCIAL SERVICES**  
**Summary: Conference Report**  
**Article 7, House Bill 5783 (H-2) CR-1**



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IDG/IDT	FY 2021-22 YTD as of 2/9/22	FY 2022-23 Executive	FY 2022-23 House	FY 2022-23 Senate	FY 2022-23 Conference	Difference: Conference From FY 2021-22 YTD	
						Amount	%
	\$724,600	\$736,500	\$736,500	\$736,500	\$736,500	\$11,900	1.6
<b>Federal</b>	1,017,100	1,017,100	1,017,100	1,017,100	1,017,100	0	0.0
<b>Local</b>	0	0	0	0	0	0	--
<b>Private</b>	0	0	0	0	0	0	--
<b>Restricted</b>	71,245,900	72,581,900	72,581,900	72,582,100	72,581,900	1,336,000	1.9
<b>GF/GP</b>	0	6,000,000	0	0	0	0	--
<b>Gross</b>	<b>\$72,987,600</b>	<b>\$80,335,500</b>	<b>\$74,335,500</b>	<b>\$74,335,700</b>	<b>\$74,335,500</b>	<b>\$1,347,900</b>	<b>1.8</b>
<b>FTEs</b>	378.5	387.5	378.5	329.0	390.5	12.0	3.2

Notes: (1) FY 2021-22 year-to-date figures include mid-year budget adjustments through February 9, 2022. (2) Appropriation figures for all years include all proposed appropriation amounts, including amounts designated as "one-time."

**Overview**

The Department of Insurance and Financial Services (DIFS) is responsible for regulating and promoting the insurance and financial services industries operating within the state. The department also provides consumer protection by managing consumer information and inquiries and investigating consumer complaints. DIFS administers and enforces state statutes pertaining to state-chartered banks and credit unions; mortgage brokers, lenders, and servicers; consumer finance entities; insurance companies, agents, and products; and health maintenance organizations.

**Major Budget Changes from FY 2021-22 YTD Appropriations**

**1. Regulatory Staff Increase**

Executive includes authorization for 9.0 FTE positions, which would be used to fulfill departmental responsibilities related to auto no-fault insurance reform, anti-fraud changes, surprise medical billing, health and auto insurance market regulation, and consumer services. Positions that would be filled would be supported with existing department appropriations and are projected to include:

- 1 Departmental Analyst to process provider utilization review appeals under auto no-fault insurance reforms.
- 1 Departmental Analyst to review alleged violations of the Insurance Code of 1956.
- 1 Auditor to audit title insurance agencies.
- 2 Financial Institution Examiners to perform financial examinations of consumer finance entities.
- 2 Departmental Analysts to process consumer complaints and inquiries.
- 2 Departmental Analysts to review insurance licensee data security programs and insurer self-reported data breaches.

House does not include. Senate includes a reduction of 4 unclassified FTE positions and 45.5 classified FTE positions, across numerous lines. Conference concurs with the Executive.

	FY 2021-22 Year-to-Date (as of 2/9/22)	FY 2022-23 Conference Change
FTE	NA	9.0
<b>Gross</b>	<b>NA</b>	<b>\$0</b>
GF/GP	NA	\$0

**2. Pharmacy Benefit Manager Regulatory Activity Staffing Increase**

Conference includes authorization for 3.0 FTE positions to support departmental responsibilities related to 2022 PA 11, which created responsibilities for DIFS with respect to the licensing and regulation of pharmacy benefit managers.

FTE	NA	3.0
<b>Gross</b>	<b>NA</b>	<b>\$0</b>
GF/GP	NA	\$0

<b><u>Major Budget Changes from FY 2021-22 YTD Appropriations</u></b>		<b><u>FY 2021-22 Year-to-Date (as of 2/9/22)</u></b>	<b><u>FY 2022-23 Conference Change</u></b>
<b>3. Auto No-Fault Insurance Market Study</b>	<b>Gross</b>	<b>NA</b>	<b>\$0</b>
<u>Executive</u> includes \$5.0 million GF/GP (one-time) to perform a market conduct exam of auto insurance companies to enforce compliance with consumer protection provisions in 2019 PA 21 and 2019 PA 22, colloquially referred to as auto no-fault reform. At present, there are 103 companies that are actively writing auto insurance policies in the state. <u>House</u> does not include. <u>Senate</u> includes a state restricted funding placeholder. <u>Conference</u> does not include.	Restricted	NA	0
	GF/GP	NA	\$0
<b>4. Behavioral Health Parity Health Insurance Market Review</b>	<b>Gross</b>	<b>NA</b>	<b>\$0</b>
<u>Executive</u> includes \$1.0 million GF/GP (one-time) to contract for an industry-wide health insurance market review for compliance with behavioral health parity requirements under the federal Mental Health Parity and Addiction Equity Act and state statute. <u>House</u> does not include. <u>Senate</u> includes a state restricted funding placeholder. <u>Conference</u> does not include.	Restricted	NA	0
	GF/GP	NA	\$0
<b>5. Technical Adjustments</b>	FTE	NA	0.0
<u>Executive</u> includes net to zero adjustments to numerous lines and state restricted authorizations to align fund sources and line authorizations with projected revenues and expenditures. Also includes an internal net to zero transfer of \$703,500 in state restricted authorization (Insurance Bureau Fund) from the Consumer Services and Protection line to the Insurance Evaluation line to align with departmental regulatory activity. <u>House</u> concurs. <u>Senate</u> concurs. <u>Conference</u> concurs.	<b>Gross</b>	<b>NA</b>	<b>\$0</b>
	Restricted	NA	0
	GF/GP	NA	\$0
<b>6. Economic Adjustments</b>	<b>Gross</b>	<b>NA</b>	<b>\$1,347,900</b>
<u>Executive</u> reflects increased costs of \$1.3 million Gross for negotiated salary and wage increases (5.0% on October 1, 2022 and 0.5% to annualize the FY 2022 1.0% increase that began on April 1, 2022), actuarially required retirement contributions, worker's compensation, building occupancy charges, and other economic adjustments. <u>House</u> concurs. <u>Senate</u> concurs. <u>Conference</u> concurs.	IDG/IDT	NA	11,900
	Restricted	NA	1,336,000
	GF/GP	NA	\$0

### **Major Boilerplate Changes from FY 2021-22**

#### **Sec. 206. Communication with the Legislature – RETAINED**

Prohibits DIFS from taking disciplinary action against employees for communicating with legislators or their staff, unless the communication is prohibited by law. Executive deletes. House retains. Senate retains. Conference retains.

#### **Sec. 208. Hiring of External Legal Counsel – RETAINED**

Prohibits using appropriations to hire a person to provide legal services that are the responsibility of the attorney general; prohibition does not apply to legal services for bonding activities or services authorized by the attorney general. Executive retains. House retains. Senate revises to allow hiring of external legal counsel and to allow requests to the Office of the Attorney General for reimbursement. Conference retains.

#### **Sec. 210. Contingency Authorization – RETAINED**

Appropriates up to \$200,000 in federal and \$1.0 million in state restricted contingency authorization; authorizes expenditure of funds after legislative transfer to specific line items. Executive revises to appropriate \$1.0 million in federal and \$5.0 million in state restricted contingency authorization. House retains. Senate deletes. Conference retains.

#### **Sec. 216. FTE Vacancies and Remote Work Reports – RETAINED**

Requires DIFS to submit quarterly reports containing FTE volumes and a comparison of actual and authorized FTE position counts; requires an annual report on the number of employees engaged in remote work in 2021, number of employees authorized to work remotely and the actual number working remotely, and estimated net cost savings and reduced use of office space achieved by remote work. Executive deletes. House retains with updated year reference. Senate retains with updated year reference. Conference retains with updated year reference.

## **Major Boilerplate Changes from FY 2021-22**

### **Sec. 217. Work Project Usage – RETAINED**

Stipulates that appropriations are not to be expended, if possible, until all existing work project authorization for the same purpose is exhausted. Executive deletes. House retains. Senate retains. Conference retains.

### **Sec. 218. State Administrative Board Transfers – RETAINED**

Stipulates that the legislature may intertransfer funds via concurrent resolution if the State Administrative Board transfers funds. Executive deletes. House retains. Senate retains. Conference retains.

### **Sec. 219. Retention of Reports – RETAINED**

Requires DIFS to receive and retain copies of all reports funded by the department's budget, while complying with federal and state guidelines for records retention. Executive deletes. House retains. Senate retains. Conference retains.

### **Sec. 220. Report on Policy Changes for Public Act Implementation – RETAINED**

Requires DIFS to report on policy changes made to implement public acts that took effect during the prior calendar year. Executive deletes. House retains. Senate retains. Conference retains.

### **Sec. 221. Severance Pay Reporting – RETAINED**

Requires DIFS to report any severance pay for a director or other high-ranking official not later than 14 days after a severance agreement is signed; requires DIFS to maintain an internet site posting any severance pay in excess of 6 weeks of wages; requires report on total amount of severance pay remitted and number of DIFS employees receiving severance pay in FY 2020-21. Executive deletes. House retains with updated fiscal year references. Senate retains with updated fiscal year references. Conference retains with updated fiscal year references.

### **Sec. 222. COVID-19 Vaccine Stipulations – RETAINED**

Prohibits requiring proof of having received a COVID-19 vaccine as a condition of accessing any facility or services, except as required by federal law; prohibits producing, developing, issuing, or requiring a COVID-19 vaccine passport; prohibits developing a database or making an existing database publicly available to access an individual's COVID-19 vaccine status; prohibits requiring proof of having received a COVID-19 vaccine as a condition of employment, with exceptions for hospitals and medical facilities; prohibits adverse employment consequences due to an individual's COVID-19 vaccination status; requires that exemptions be created for individuals who medically cannot receive the vaccine or who have religious or consistently held objections to vaccination if a federal mandate requires establishment of a COVID-19 vaccine policy. Executive deletes. House retains. Senate retains. Conference retains.

### **Sec. 223. Remote Work – NEW**

Prohibits DIFS from permitting employees who were not working remotely prior to the COVID-19 pandemic to work remotely in FY 2022-23. Executive does not include. House includes new language. Senate does not include. Conference revises House language to express legislative intent that DIFS maximize efficiency of the state workforce, and where possible, prioritize in-person work; requires DIFS to post its in-person, remote, or hybrid work policy on its website.

### **Sec. 225. Television and Radio Production Expenditure Report – RETAINED**

Requires DIFS to report any expenditure of funds to a third-party vendor for television or radio productions; delineates information to be included. Executive deletes. House retains. Senate retains. Conference retains.

### **Sec. 226. Insurance Bureau Fund Use – RETAINED**

Authorizes Insurance Bureau Fund appropriations for use to support legislative participation in insurance activities coordinated by insurance and legislative associations, in accordance with the Insurance Code of 1956. Executive deletes. House retains. Senate retains. Conference retains.

### **Sec. 301. Health Insurance Rate Filings Report – RETAINED**

Requires DIFS to submit report based on health insurer annual rate filings; delineates information to be included. Executive deletes. House retains. Senate retains. Conference retains.

### **Sec. 302. Conservatorship and Insurance Liquidation Funds – RETAINED**

Requires funds collected by DIFS in connection with a conservatorship pursuant to section 32 of 1987 PA 173 and from corporations being liquidated pursuant to 1956 PA 218 to be appropriated for expenses necessary to provide required services and to not lapse to General Fund; limits appropriations to \$400,000. Executive revises to remove the \$400,000 cap. House retains. Senate deletes. Conference retains.

### **Sec. 303. Fees for Customized Listings – RETAINED**

Permits DIFS to provide customized lists of non-confidential information to interested parties and to charge reasonable fees; requires funds to lapse to appropriate restricted fund accounts and limits amount appropriated to \$400,000. Executive revises to remove the \$400,000 cap. House retains. Senate deletes. Conference retains.

## **Major Boilerplate Changes from FY 2021-22**

### **Sec. 304. Annual Reports Transmission – RETAINED**

Requires DIFS to electronically transmit specific annual reports required under the Insurance Code of 1956 and the Banking Code of 1999. Executive deletes. House retains. Senate retains. Conference retains.

### **Sec. 305. Financial Institutions Marijuana Evaluation Guidance – RETAINED**

Requires DIFS to update examination manuals and letters of guidance for institutions providing financial services to businesses involved in the marijuana industry to reflect how those institutions will be evaluated. Executive deletes. House retains. Senate retains. Conference retains.

### **Sec. 306. State or Regional Health Care Claims Database Grant Award Criteria – RETAINED**

Requires DIFS to consider not-for-profit and Michigan-based status, prior experience collecting and analyzing relevant information, and prior work experiences when awarding any grant for the creation of a state or regional health care claims database utilizing federal funds. Executive deletes. House deletes. Senate retains. Conference retains.

### **Sec. 309. Audit Timeliness – NOT INCLUDED**

Requires DIFS to report audit findings to the audited entity within 180 days of an audit's start date; allows the department to extend the audit period for an additional 180 days; prioritizes completing audits in the same fiscal year in which audits are initiated; requires DIFS to finalize outstanding audits with a start date prior to October 1, 2020, before initiating new audits in FY 2022-23. Executive does not include. House does not include. Senate includes new language. Conference does not include.

### **Sec. 311. Audit Reporting – NOT INCLUDED**

Requires DIFS to report on all initiated audits since April 30, 2018, including the status, findings, start dates, and completion dates of the audits. Executive does not include. House does not include. Senate includes new language. Conference does not include.