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STATE OF MICHIGAN  
COURT OF APPEALS

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PHYSIATRY AND REHAB ASSOCIATES,  
doing business as COLUMBIA CLINIC PAIN &  
SPINE INSTITUTE,

Plaintiff-Appellant,

v

HORACE MANN INSURANCE COMPANY,

Defendant-Appellee.

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UNPUBLISHED  
October 15, 2019

No. 342627  
Oakland Circuit Court  
LC No. 2017-161411-CZ

Before: FORT HOOD, P.J., and SAWYER and SHAPIRO, JJ.

SHAPIRO, J. (*concurring*).

I concur because this case is controlled by *Shah v State Farm Mut Auto Ins Co*, 324 Mich App 182; 920 NW2d 148 (2018). In my view, however, that case was wrongly decided. I set forth my reasons in my dissenting opinion in that case and that matter is now before the Supreme Court. As I stated there, “[t]he hospital, which provided a valuable service, will remain unpaid, while the insurer, which has already been paid through the insured’s premiums, will not have to provide the service it was paid to perform.” *Id.* at 222 (SHAPIRO, J., dissenting).

By reversing long-standing law that had been relied upon by all parties and applying the new law retroactively, the judiciary has provided an enormous windfall to insurance companies, left medical providers uncompensated for their work, left many premium-paying insureds without the coverage as it existed when they purchased it and as a result subjected them to collection suits brought against them by their doctors. The basis for this result continues to elude me as it is plainly inconsistent with substantial justice, economic or judicial efficiency and is not required by either the statute or prior caselaw.

Despite my differing views, I recognize that *Shah* is binding and so I concur.

/s/ Douglas B. Shapiro