

Court of Appeals, State of Michigan

ORDER

John Leppek v McLaren Health Care Corporation

Docket No. 337415

LC No. 2016-154906-NH

Deborah A. Servitto
Presiding Judge

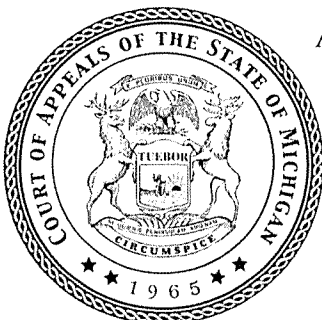
Kathleen Jansen

Colleen A. O'Brien
Judges

In lieu of granting the application for leave to appeal, the Court orders, pursuant to MCR 7.205(E)(2), that the February 27, 2017, order is REVERSED IN PART to the extent that the order prohibits intervening plaintiff Michigan Department of Health and Human Services from actively participating in discovery. When a medically indigent patient's medical expenses are paid by Medicaid, the department of community health is "subrogated to any right of recovery that a patient may have . . . not to exceed the amount of funds expended by . . . the department of community health for the care and treatment of the patient." MCL 400.106(1)(b)(ii). The statutory provision explicitly grants the department an unconditional right to intervene in a malpractice action. Because the department had an unconditional right to intervene in the action, it must be permitted to protect its own interests and explore issues necessary to do so. See *Hartman v Ins Co of North America*, 106 Mich App 731, 745-746; 308 NW2d 625 (1981).

This order is to have immediate effect, MCR 7.215(F)(2).

This Court retains no further jurisdiction.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

JUL 25 2017

Date


Chief Clerk