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Senate Bill 457 (as introduced 6-15-11)
Sponsor: Senator Patrick J. Colbeck
Committee: Families, Seniors, and Human Services

Date Completed: 9-26-11

CONTENT

The bill would amend Public Act 181 of 1953, which involves investigations of the causes of death in certain instances, to do the following:

- **Authorize a county medical examiner to establish an elder death review team and develop protocols for it to use.**
- **Require a county medical examiner to investigate the cause and manner of death of a resident of a long-term care facility if the medical examiner determined that the death was suspicious or appeared to have been caused by abuse or neglect.**
- **Require certain people to notify the county medical examiner if an individual died unexpectedly or under suspicious circumstances while a resident of a long-term care facility, and require the medical examiner to refer the case to the elder death review team.**
- **Limit the disclosure of information obtained by a review team in the case of an individual who died unexpectedly or under suspicious circumstances while a resident of a long-term care facility.**

"Long-term care facility" would mean one or more of the following: a home for the aged; an adult foster care facility; a nursing home; a county medical care facility; or a hospital long-term care unit.

Establishment of an Elder Death Review Team

The bill would allow the county medical examiner to establish an elder death review team. The medical examiner could develop protocols to be used by the review team in conducting a preliminary investigation. A review team would have to consist of the county medical examiner or deputy county medical examiner, physicians and other health care professionals specializing in geriatric medicine, members of relevant State and local law enforcement agencies, members representing the Department of Human Services who were involved with issues regarding adult protective services, and members representing the Department of Community Health (DCH) who were involved with the licensing and regulation of long-term care facilities.

(Executive Order 2011-4, which established the Department of Licensing and Regulatory Affairs (LARA) transferred responsibility for licensing and regulation of long-term care facilities from the DCH to LARA.)

Investigation of Death

Under certain circumstances, a county medical examiner or deputy county medical examiner must investigate the cause and manner of death of an individual. Under the bill, if a resident died while in a long-term care facility and the medical examiner determined that the death was suspicious or appeared to have been caused by abuse or neglect, the medical examiner or deputy medical examiner, upon being notified of the death, would have to conduct an investigation into the cause and manner of death.

If an elder death review team had been established, the medical examiner or deputy medical examiner would have to report the case to the review team.

Notification of County Medical Examiner

Under the Act, a physician, an individual in charge of a hospital or institution, or anyone who has first knowledge of a person's death under certain circumstances immediately must notify the county medical examiner or his or her deputy. The bill would extend that requirement to the death of an individual who died unexpectedly or under suspicious circumstances while a resident of a long-term care facility.

If an elder death review team had been established, a county medical examiner or deputy who received notice that an individual died unexpectedly or under suspicious circumstances while a resident of a long-term care facility would have to refer the case to the review team. Upon receiving a referral, the review team would have to conduct a preliminary investigation to determine whether the death was suspicious or appeared to have been caused by abuse or neglect. Information obtained by a review team under this requirement would be confidential and could be disclosed by the review team only to the medical examiner, the county prosecutor's office, local law enforcement, or another elder death review team, as appropriate. The information would be exempt from disclosure under the Freedom of Information Act.

MCL 52.201c et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have no impact on local unit revenue, but could increase expenditures in local units by an unknown, and likely minimal, amount. Expenses could be increased to the extent that additional investigations occurring as a result the bill increased operational expenses of the county medical examiner, such as by requiring additional staff and/or equipment, and/or if elder death review team members were to receive per diem compensation or reimbursement for any expenses.

The bill would have no impact on State revenue or expenditure.

Fiscal Analyst: David Zin

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.