

HOUSE BILL No. 5540

February 4, 1998, Introduced by Reps. Crissman, Hammerstrom, Goschka, Dobb, Bodem, Godchaux, Brackenridge, Middleton, Johnson, Gilmer, McManus, Basham, Gubow, Martinez, Galloway and Scranton and referred to the Committee on Health Policy.

A bill to amend 1953 PA 181, entitled

"An act relative to investigations in certain instances of the causes of death within this state due to violence, negligence or other act or omission of a criminal nature or to protect public health; to provide for the taking of statements from injured persons under certain circumstances; to abolish the office of coroner and to create the office of county medical examiner in certain counties; to prescribe the powers and duties of county medical examiners; to prescribe penalties for violations of the provisions of this act; and to prescribe a referendum thereon,"

by amending section 5a (MCL 52.205a) and by adding section 5b.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5a. (1) ~~When~~ IF a child under the age of 2 years
2 dies within this state under circumstances of sudden death, AND
3 THE cause IS unknown, or IS found dead, AND THE cause IS unknown,
4 ~~that~~ THE death shall be immediately reported to the county med-
5 ical examiner of the county ~~wherein~~ IN WHICH the ~~body lies~~,
6 ~~whereupon~~ INCIDENT THAT RESULTED IN THE DEATH OCCURRED.

1 (2) SUBJECT TO SECTIONS 5 AND 5B, UPON RECEIPT OF A REPORT
2 MADE UNDER SUBSECTION (1), the county medical examiner shall
3 inform the ~~parents~~ PARENT or legal ~~guardians~~ GUARDIAN of the
4 child that ~~they~~ HE OR SHE may request an autopsy performed on
5 the child. ~~, the~~ THE costs of ~~which~~ AN AUTOPSY PERFORMED PUR-
6 SUANT TO SUCH A REQUEST shall be borne by the state. An autopsy
7 requested by ~~the parents~~ A PARENT or legal ~~guardians~~ GUARDIAN
8 UNDER THIS SUBSECTION shall be PROMPTLY arranged ~~for~~ by the
9 county medical examiner. ~~and the parents or legal guardians~~ THE
10 COUNTY MEDICAL EXAMINER shall ~~be~~ promptly ~~notified~~ NOTIFY THE
11 PARENT OR LEGAL GUARDIAN of the results of ~~that~~ THE autopsy.

12 (3) The COUNTY MEDICAL EXAMINER SHALL REPORT THE costs of
13 the autopsy performed under this section ~~shall be reported~~ to
14 the ~~state~~ director of ~~public~~ THE DEPARTMENT OF COMMUNITY
15 health, who shall pay the ~~account~~ AMOUNT OF THE COSTS to the
16 person entitled ~~thereto~~ TO PAYMENT out of funds appropriated
17 for this purpose by the legislature. The DIRECTOR OF THE DEPART-
18 MENT OF COMMUNITY HEALTH SHALL DETERMINE THE reasonableness and
19 propriety of all claims and accounts under this section. ~~shall~~
20 ~~be passed upon and determined by the state director of public~~
21 ~~health. Nothing in this~~

22 (4) THIS section ~~shall be construed as interfering with~~
23 DOES NOT AFFECT the OTHER duties and responsibilities of the
24 county medical examiner ~~as defined in other sections of~~ UNDER
25 this act.

26 SEC. 5B. (1) IF THE COUNTY MEDICAL EXAMINER PERFORMS AN
27 AUTOPSY UNDER SECTION 5 OR 5A ON A CHILD WHO DIED AS DESCRIBED IN

1 SECTION 5A(1) TO DETERMINE THE CAUSE OF DEATH, AND IF THE PARENT
2 OR LEGAL GUARDIAN OF THE DECEASED CHILD DISAGREES WITH THE COUNTY
3 MEDICAL EXAMINER'S DETERMINATION OF THE CAUSE OF DEATH, THE
4 PARENT OR LEGAL GUARDIAN MAY APPEAL THE DETERMINATION, PURSUANT
5 TO THIS SECTION.

6 (2) A PARENT OR LEGAL GUARDIAN DESCRIBED IN SUBSECTION (1)
7 MAY REQUEST A CHILD FATALITY REVIEW TEAM AUTHORIZED FOR ANOTHER
8 COUNTY BY THE DEPARTMENT OF COMMUNITY HEALTH, AS DESCRIBED IN
9 SECTION 7 OF THE CHILD PROTECTION LAW, 1975 PA 238, MCL 722.627,
10 TO REVIEW THE CHILD'S DEATH, INCLUDING, BUT NOT LIMITED TO,
11 REVIEWING THE RESULTS OF THE AUTOPSY PERFORMED BY THE COUNTY MED-
12 ICAL EXAMINER.

13 (3) UPON RECEIPT OF A REQUEST UNDER SUBSECTION (2), A CHILD
14 FATALITY REVIEW TEAM SHALL INVESTIGATE AND REVIEW THE CHILD'S
15 DEATH. THE COUNTY MEDICAL EXAMINER WHO CONDUCTED OR ORDERED THE
16 AUTOPSY ON THE DECEASED CHILD SHALL COOPERATE FULLY WITH THE
17 CHILD FATALITY REVIEW TEAM, INCLUDING, BUT NOT LIMITED TO, PRO-
18 VIDING THE MEMBERS OF THE CHILD FATALITY REVIEW TEAM WITH ACCESS
19 TO ALL RELEVANT RECORDS RELATED TO THE CHILD'S DEATH AND TO THE
20 RESULTS OF THE AUTOPSY.

21 (4) IF THE FINDINGS OF THE CHILD FATALITY REVIEW TEAM UNDER
22 SUBSECTION (3) ARE INCONSISTENT WITH THE FINDINGS OF THE COUNTY
23 MEDICAL EXAMINER, THE CHILD FATALITY REVIEW TEAM AND THE COUNTY
24 MEDICAL EXAMINER SHALL EACH FORWARD THEIR RESPECTIVE FINDINGS AND
25 ALL RELATED RECORDS AND OTHER EVIDENCE TO THE CHIEF MEDICAL OFFI-
26 CER OF THE DEPARTMENT OF COMMUNITY HEALTH.

1 (5) THE CHIEF MEDICAL OFFICER OF THE DEPARTMENT OF COMMUNITY
2 HEALTH OR HIS OR HER DESIGNEE SHALL REVIEW THE MATERIAL FORWARDED
3 UNDER SUBSECTION (4), AND THE CHIEF MEDICAL OFFICER SHALL MAKE AN
4 INDEPENDENT DETERMINATION OF THE CAUSE OF DEATH. THE DETERMINA-
5 TION OF THE CHIEF MEDICAL OFFICER MADE UNDER THIS SUBSECTION IS
6 FINAL AND SHALL BE LISTED AS THE CAUSE OF DEATH ON THE CHILD'S
7 DEATH CERTIFICATE.

8 (6) THE COUNTY MEDICAL EXAMINER, THE CHILD FATALITY REVIEW
9 TEAM, AND THE CHIEF MEDICAL OFFICER OF THE DEPARTMENT OF COMMU-
10 NITY HEALTH SHALL PERFORM THEIR RESPECTIVE DUTIES UNDER THIS SEC-
11 TION PROMPTLY, SO THAT THE DEATH CERTIFICATE CAN BE COMPLETED
12 WITHOUT UNDUE DELAY. IF A REQUEST FOR REVIEW UNDER THIS SECTION
13 IS MADE AFTER THE DEATH CERTIFICATE HAS BEEN COMPLETED, AND IF
14 THE CHIEF MEDICAL OFFICER OF THE DEPARTMENT OF COMMUNITY HEALTH
15 DETERMINES THAT THE CAUSE OF DEATH IS DIFFERENT THAN THE CAUSE OF
16 DEATH STATED ON THE DEATH CERTIFICATE, THEN THE DEATH CERTIFICATE
17 MAY BE AMENDED AS PROVIDED IN PART 28 OF THE PUBLIC HEALTH CODE,
18 1978 PA 368, MCL 333.2801 TO 333.2899.