

ELDERLY/VULNERABLE ADULT DEATH REVIEW TEAM

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Senate Bill 457 (Substitute S-1)

Sponsor: Sen. Patrick J. Colbeck

House Committee: Families, Children, and Seniors

Senate Committee: Families, Seniors, and Human Services

Complete to 4-23-12

A SUMMARY OF SENATE BILL 457 AS PASSED BY THE SENATE 11-2-11

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

- Authorize a county medical examiner to establish an elderly and vulnerable adult death review team and develop protocols for it to use in conducting preliminary investigations.
- Require a medical examiner (or deputy), upon being notified of the death of an elderly or vulnerable adult, to examine the body of the deceased. If the medical examiner determines that the death is suspicious or appears to have been caused by abuse or neglect, the examiner must conduct an investigation into the manner and cause of death and, could report the case to the death review team.
- Allow a county medical examiner to refer the case to the review team upon receiving notice that an elderly or vulnerable adult died unexpectedly or under suspicious circumstances and require the death review team to conduct a preliminary investigation.
- Specify that information obtained by a review team would be confidential and could be disclosed only to the medical examiner, the county prosecutor's office, local law enforcement, or another elder death review team. Information would be exempt from the Freedom of Information Act.

Review Team Members

The County Medical Examiner could establish an Elderly and Vulnerable Adult Death Review Team (the review team). The County Medical Examiner could develop protocols to be used by the review team in conducting a preliminary investigation. If established, the team would consist of the following:

- The County Medical Examiner or Deputy Medical Examiner.
- Physicians and other health care professionals specializing in geriatric medicine.
- Physicians and other health care professionals employed by long-term care facilities.
- Members of relevant state and local law enforcement agencies.
- The County Prosecutor's office.

- Members representing the Department of Human Services who are involved with issues regarding adult protective services, adult foster care homes, and homes for the aged.

A review team could include others as designated by the team, including members representing the Long-Term Care Ombudsman program, Community Mental Health, and the Department of Licensing and Regulatory Affairs who are involved with the licensing and regulation of long-term care facilities.

Knowledge of a Reported Death

The act currently requires physicians and individuals in charge of hospitals and other institutions to notify the county medical examiner (or a deputy) when they are aware of certain kinds of deaths (such as unexpected, accidental, violent, suspicious deaths). The bill would add a provision specifying that if physicians, individuals in charge of hospitals or institutions, or other individuals who have knowledge of certain kinds of deaths would not be required to notify the examiner or deputy if they know that the death has already been reported to the examiner or deputy.

FISCAL IMPACT:

Senate Bill 457 (S-1) has no direct cost implications for state government, but may have cost implications for county governments. County medical examiner costs may be increased with new language to examine and further investigate deaths of elderly and vulnerable adults.

If counties choose to establish elderly and vulnerable adult death review teams, the bill requires participation of state and local law enforcement and members of state Department of Human Services, which may increase costs to those agencies if these functions are outside the range of tasks currently performed. Other state department participation may be included, but it is not required.

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