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BILL



ANALYSIS

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Senate Bill 457 (as enacted)
Sponsor: Senator Patrick J. Colbeck
Senate Committee: Families, Seniors and Human Services
House Committee: Families, Children, and Seniors

Date Completed: 7-24-13

PUBLIC ACT 171 of 2012**CONTENT**

The bill amended 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 elderly and vulnerable adult death review team and develop protocols for it to use.**
- **Allow a county medical examiner or deputy county medical examiner to refer a case to the review team under certain circumstances, and require the team to review the matter.**
- **Limit the disclosure of information obtained by a review team in a referral from a county medical examiner or deputy county medical examiner.**
- **Specify that a physician or other person required to report a death to the county medical examiner under certain circumstances does not have to do so if he or she knows that the death has already been reported.**

- The county medical examiner or deputy county 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.
- Representatives of the Department of Human Services who are involved with issues regarding adult protective services, adult foster care homes, and homes for the aged.

The review team also may allow participation by 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.

The bill took effect on June 19, 2012.

Establishment of Death Review Team

The bill allows a county medical examiner to establish an elderly and vulnerable adult death review team. The medical examiner may develop protocols to be used by the review team in conducting a review of the matter. If an elderly and vulnerable adult death review team is established, the following must be allowed to participate on it:

Referral to Review Team

If an elderly and vulnerable adult death review team is established, a county medical examiner or deputy county medical examiner who receives notice that an elderly or vulnerable adult died unexpectedly or under suspicious circumstances may refer the case to the review team. Upon receiving a referral, the review team must conduct a review of the matter. Information obtained by the review team is confidential and may be disclosed by the review team only to the

county medical examiner, the county prosecutor's office, local law enforcement, or another elder death review team, as appropriate. The information is exempt from disclosure under the Freedom of Information Act.

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. Under the bill, if a physician, an individual in charge of a hospital or institution, or another individual with knowledge of a death knows that the death has already been reported, he or she is not required to notify the medical examiner or deputy.

MCL 52.201c et al.

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

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

The bill will 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.