

SUBSTITUTE FOR  
SENATE BILL NO. 457

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 sections 1c, 2, and 3 (MCL 52.201c, 52.202, and 52.203), section 2 as amended by 2004 PA 153 and section 3 as amended by 2006 PA 569.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 1c. (1) The county medical examiner ~~shall be~~ **IS** in charge  
2 of the office of the county medical examiner and may promulgate  
3 rules relative to the conduct of ~~his~~ **THAT** office. The county  
4 medical examiner may delegate any functions of ~~his~~ **THAT** office to a  
5 duly appointed deputy county medical examiner if the deputy county

1 medical examiner is a licensed physician. If the deputy county  
2 medical examiner is not a licensed physician, his OR HER functions  
3 ~~shall be~~ ARE limited as provided by law.

4 (2) THE COUNTY MEDICAL EXAMINER MAY ESTABLISH AN ELDERLY AND  
5 VULNERABLE ADULT DEATH REVIEW TEAM. THE COUNTY MEDICAL EXAMINER MAY  
6 DEVELOP PROTOCOLS TO BE USED BY THE ELDERLY AND VULNERABLE ADULT  
7 DEATH REVIEW TEAM IN CONDUCTING A PRELIMINARY INVESTIGATION. IF  
8 ESTABLISHED, THE ELDERLY AND VULNERABLE ADULT DEATH REVIEW TEAM  
9 SHALL CONSIST OF THE COUNTY MEDICAL EXAMINER OR DEPUTY COUNTY  
10 MEDICAL EXAMINER, PHYSICIANS AND OTHER HEALTH CARE PROFESSIONALS  
11 SPECIALIZING IN GERIATRIC MEDICINE, PHYSICIANS AND OTHER HEALTH  
12 CARE PROFESSIONALS EMPLOYED BY LONG-TERM CARE FACILITIES, MEMBERS  
13 OF RELEVANT STATE AND LOCAL LAW ENFORCEMENT AGENCIES, THE COUNTY  
14 PROSECUTOR'S OFFICE, AND MEMBERS REPRESENTING THE DEPARTMENT OF  
15 HUMAN SERVICES WHO ARE INVOLVED WITH ISSUES REGARDING ADULT  
16 PROTECTIVE SERVICES, ADULT FOSTER CARE HOMES, AND HOMES FOR THE  
17 AGED. THE ELDERLY AND VULNERABLE ADULT DEATH REVIEW TEAM MAY  
18 INCLUDE OTHERS AS DESIGNATED BY THE TEAM, INCLUDING, BUT NOT  
19 LIMITED TO, MEMBERS REPRESENTING THE LONG-TERM CARE OMBUDSMAN  
20 PROGRAM, COMMUNITY MENTAL HEALTH, AND THE DEPARTMENT OF LICENSING  
21 AND REGULATORY AFFAIRS WHO ARE INVOLVED WITH THE LICENSING AND  
22 REGULATION OF LONG-TERM CARE FACILITIES.

23 Sec. 2. (1) A county medical examiner or deputy county medical  
24 examiner shall investigate the cause and manner of death of an  
25 individual under each of the following circumstances:

26 (a) The individual dies by violence.

27 (b) The individual's death is unexpected.

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(c) The individual dies without medical attendance by a physician, or the individual dies while under home hospice care without medical attendance by a physician or a registered nurse, during the 48 hours immediately preceding the time of death, unless the attending physician, if any, is able to determine accurately the cause of death.

(d) The individual dies as the result of an abortion, whether self-induced or otherwise.

(2) If a prisoner in a county or city jail dies while imprisoned, the county medical examiner or deputy county medical examiner, upon being notified of the death of the prisoner, shall examine the body of the deceased prisoner.

**<<THE COUNTY MEDICAL EXAMINER OR DEPUTY COUNTY MEDICAL EXAMINER, UPON BEING NOTIFIED OF THE DEATH OF AN ELDERLY OR VULNERABLE ADULT, SHALL EXAMINE THE BODY OF THE DECEASED. IF THE COUNTY MEDICAL EXAMINER OR DEPUTY COUNTY MEDICAL EXAMINER DETERMINES THAT THE DEATH IS SUSPICIOUS, OR APPEARS TO HAVE BEEN CAUSED BY ABUSE OR NEGLECT, THE COUNTY MEDICAL EXAMINER OR DEPUTY COUNTY MEDICAL EXAMINER>>**

**SHALL CONDUCT AN INVESTIGATION INTO THE CAUSE AND MANNER OF DEATH AND, IF ESTABLISHED UNDER SECTION 1C, MAY REPORT THE CASE TO THE ELDERLY AND VULNERABLE ADULT DEATH REVIEW TEAM.**

~~(4) (3)~~—In conducting an investigation under subsection (1), ~~or (2), OR (3)~~, a county medical examiner or deputy county medical examiner may request the circuit court to issue a subpoena to produce medical records, books, papers, documents, or other items related to the death being investigated. The circuit court may punish failure to obey a subpoena issued under this section as contempt of court.

~~(5) (4)~~—Medical records, books, papers, documents, or other

1 items that a county medical examiner or deputy county medical  
 2 examiner obtains in conducting an investigation under this act,  
 3 whether in response to a subpoena or otherwise, are exempt from  
 4 disclosure under the freedom of information act, 1976 PA 442, MCL  
 5 15.231 to 15.246.

6 (6) ~~(5)~~ As used in this ~~section~~ **ACT**:

7 (a) "Home hospice care" means a program of planned and  
 8 continuous hospice care provided by a hospice or a hospice  
 9 residence that consists of a coordinated set of services rendered  
 10 to an individual at his or her home on a continuous basis for a  
 11 disease or condition with a terminal prognosis.

12 (b) "Physician" means ~~a person~~ **AN INDIVIDUAL** licensed as a  
 13 physician under part 170 or part 175 of the public health code,  
 14 1978 PA 368, MCL 333.17001 to 333.17084 and 333.17501 to 333.17556.

15 (c) "Registered nurse" means ~~a person~~ **AN INDIVIDUAL** licensed  
 16 as a registered professional nurse under part 172 of the public  
 17 health code, 1978 PA 368, MCL 333.17201 to 333.17242.

18 Sec. 3. (1) ~~Any~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,**  
 19 **A** physician, ~~and any person~~ **AN INDIVIDUAL** in charge of any hospital  
 20 or institution, or any ~~person who shall have~~ **OTHER INDIVIDUAL WHO**  
 21 **HAS** first knowledge of ~~the death of any person who shall have~~ **ANY**  
 22 **OF THE FOLLOWING SHALL IMMEDIATELY NOTIFY THE COUNTY MEDICAL**  
 23 **EXAMINER OR DEPUTY OF THAT FACT:**

24 (A) **AN INDIVIDUAL WHO** died suddenly, unexpectedly,  
 25 accidentally, violently, or as the result of any suspicious  
 26 circumstances. ~~or~~

27 (B) **AN INDIVIDUAL WHO DIED** without medical attendance during

1 the 48 hours prior to the hour of death unless the attending  
2 physician, if any, is able to determine accurately the cause of  
3 death. ~~, or in any case of death due to~~

4 (C) AN INDIVIDUAL WHO DIED AS THE RESULT OF what is commonly  
5 known as an abortion, whether self-induced or otherwise. ~~, shall~~  
6 ~~notify the county medical examiner or his or her deputy immediately~~  
7 ~~of the death.~~

8 (2) If the physician, ~~person~~ INDIVIDUAL in charge of any  
9 hospital or institution, or other ~~person~~ INDIVIDUAL who has first  
10 knowledge of the death of a ~~person~~ AN INDIVIDUAL as described under  
11 subsection (1) has knowledge that there were 2 or more individuals  
12 involved in the same ~~accident~~ INCIDENT who were approximately the  
13 same age, sex, height, weight, hair color, eye color, and race,  
14 then he or she shall make the county medical examiner or his or her  
15 deputy aware of that fact and whether or not any of those  
16 individuals survived that ~~accident~~ INCIDENT when notifying the  
17 examiner or deputy of the death as required under subsection (1).  
18 If any of those individuals survived, the county medical examiner  
19 or his or her deputy shall also be informed which hospital or  
20 institution those individuals were taken to and the hospital or  
21 institution shall also be made aware that the ~~accident~~ INCIDENT  
22 involved 2 or more individuals with similar attributes.

23 (3) IF A PHYSICIAN, AN INDIVIDUAL IN CHARGE OF ANY HOSPITAL OR  
24 INSTITUTION, OR OTHER INDIVIDUAL WITH KNOWLEDGE OF THE DEATH OF AN  
25 INDIVIDUAL AS DESCRIBED UNDER SUBSECTION (1) HAS KNOWLEDGE THAT THE  
26 DEATH HAS ALREADY BEEN REPORTED TO THE EXAMINER OR DEPUTY UNDER  
27 SUBSECTION (1), THE PHYSICIAN, INDIVIDUAL IN CHARGE OF ANY HOSPITAL

1 OR INSTITUTION, OR OTHER INDIVIDUAL IS NOT REQUIRED TO NOTIFY THE  
2 EXAMINER OR DEPUTY OF THE DEATH UNDER SUBSECTION (1).

3 (4) IF AN ELDERLY AND VULNERABLE ADULT DEATH REVIEW TEAM IS  
4 ESTABLISHED UNDER SECTION 1C, A COUNTY MEDICAL EXAMINER OR DEPUTY  
5 WHO RECEIVES NOTICE OF A DEATH OF AN ELDERLY OR VULNERABLE ADULT  
6 WHO DIED UNEXPECTEDLY OR UNDER SUSPICIOUS CIRCUMSTANCES MAY REFER  
7 THE CASE TO THE ELDERLY AND VULNERABLE ADULT DEATH REVIEW TEAM.  
8 UPON RECEIPT OF A REFERRAL UNDER THIS SUBSECTION, THE ELDERLY AND  
9 VULNERABLE ADULT DEATH REVIEW TEAM SHALL CONDUCT A PRELIMINARY  
10 INVESTIGATION TO DETERMINE WHETHER THE DEATH IS SUSPICIOUS OR  
11 APPEARS TO HAVE BEEN CAUSED BY ABUSE OR NEGLECT. INFORMATION  
12 OBTAINED UNDER THIS SUBSECTION BY AN ELDERLY AND VULNERABLE ADULT  
13 DEATH REVIEW TEAM ESTABLISHED UNDER SECTION 1C IS CONFIDENTIAL AND  
14 MAY BE DISCLOSED BY THE ELDERLY AND VULNERABLE ADULT DEATH REVIEW  
15 TEAM ONLY TO THE MEDICAL EXAMINER, THE COUNTY PROSECUTOR'S OFFICE,  
16 LOCAL LAW ENFORCEMENT, OR ANOTHER ELDER DEATH REVIEW TEAM, AS  
17 APPROPRIATE. THE INFORMATION OBTAINED UNDER THIS SUBSECTION BY AN  
18 ELDERLY AND VULNERABLE ADULT DEATH REVIEW TEAM ESTABLISHED UNDER  
19 SECTION 1C IS EXEMPT FROM DISCLOSURE UNDER THE FREEDOM OF  
20 INFORMATION ACT, 1976 PA 442, MCL 15.231 TO 15.246.