

HOUSE 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

1 medical examiner may delegate any functions of ~~his~~ **THAT** office to a
2 duly appointed deputy county medical examiner if the deputy county
3 medical examiner is a licensed physician. If the deputy county
4 medical examiner is not a licensed physician, his **OR HER** functions
5 ~~shall be~~ **ARE** limited as provided by law.

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

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

1 (a) The individual dies by violence.

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

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

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

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

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

22 (4) Medical records, books, papers, documents, or other items
23 that a county medical examiner or deputy county medical examiner
24 obtains in conducting an investigation under this act, whether in
25 response to a subpoena or otherwise, are exempt from disclosure
26 under the freedom of information act, 1976 PA 442, MCL 15.231 to
27 15.246.

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

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

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

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

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

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

(B) **AN INDIVIDUAL WHO DIED** without medical attendance during the 48 hours prior to the hour of death unless the attending physician, if any, is able to determine accurately the cause of death. ~~, or in any case of death due to~~

(C) **AN INDIVIDUAL WHO DIED AS THE RESULT OF** what is commonly known as an abortion, whether self-induced or otherwise. ~~, shall~~

1 ~~notify the county medical examiner or his or her deputy immediately~~
2 ~~of the death.~~

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

19 (3) **IF A PHYSICIAN, AN INDIVIDUAL IN CHARGE OF ANY HOSPITAL OR**
20 **INSTITUTION, OR OTHER INDIVIDUAL WITH KNOWLEDGE OF THE DEATH OF AN**
21 **INDIVIDUAL AS DESCRIBED UNDER SUBSECTION (1) HAS KNOWLEDGE THAT THE**
22 **DEATH HAS ALREADY BEEN REPORTED TO THE COUNTY MEDICAL EXAMINER OR**
23 **DEPUTY COUNTY MEDICAL EXAMINER UNDER SUBSECTION (1), THE PHYSICIAN,**
24 **INDIVIDUAL IN CHARGE OF ANY HOSPITAL OR INSTITUTION, OR OTHER**
25 **INDIVIDUAL IS NOT REQUIRED TO NOTIFY THE COUNTY MEDICAL EXAMINER OR**
26 **DEPUTY COUNTY MEDICAL EXAMINER OF THE DEATH UNDER SUBSECTION (1).**

27 (4) **IF AN ELDERLY AND VULNERABLE ADULT DEATH REVIEW TEAM IS**

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