

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

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

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

13 (3) <<THE COUNTY MEDICAL EXAMINER OR DEPUTY COUNTY MEDICAL
14 EXAMINER, UPON BEING NOTIFIED OF THE DEATH OF AN ELDERLY OR
15 VULNERABLE ADULT, SHALL EXAMINE THE BODY OF THE DECEASED. IF THE
16 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>>

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

20 (4) ~~(3)~~—In conducting an investigation under subsection (1),
21 ~~or (2), OR (3)~~, a county medical examiner or deputy county medical
22 examiner may request the circuit court to issue a subpoena to
23 produce medical records, books, papers, documents, or other items
24 related to the death being investigated. The circuit court may
25 punish failure to obey a subpoena issued under this section as
26 contempt of court.

27 (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.