

**STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2012**

**Introduced by Senators Colbeck, Schuitmaker, Emmons, Bieda, Rocca, Young, Nofs, Jones, Hansen,
Hildenbrand, Proos, Kahn and Marleau**

ENROLLED SENATE BILL No. 457

AN ACT 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:

Sec. 1c. (1) The county medical examiner is in charge of the office of the county medical examiner and may promulgate rules relative to the conduct of that office. The county medical examiner may delegate any functions of that office to a duly appointed deputy county medical examiner if the deputy county medical examiner is a licensed physician. If the deputy county medical examiner is not a licensed physician, his or her functions are limited as provided by law.

(2) The county medical examiner may establish an elderly and vulnerable adult death review team. The county medical examiner may develop protocols to be used by the elderly and vulnerable adult death review team in conducting a review of the matter. If established, 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, and 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 shall be allowed to participate on the elderly and vulnerable adult death review team. The elderly and vulnerable adult death review team may allow participation by others as designated by the team, including, but not limited to, 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.

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

(a) The individual dies by violence.

(b) The individual's death is unexpected.

(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.

(3) In conducting an investigation under subsection (1) or (2), 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.

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

(5) As used in this 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 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 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) Except as otherwise provided in this section, a physician, an individual in charge of any hospital or institution, or any other individual who has first knowledge of 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.

(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.

(c) An individual who died as the result of what is commonly known as an abortion, whether self-induced or otherwise.

(2) If the physician, individual in charge of any hospital or institution, or other individual who has first knowledge of the death of an individual as described under subsection (1) has knowledge that there were 2 or more individuals involved in the same incident who were approximately the same age, sex, height, weight, hair color, eye color, and race, then he or she shall make the county medical examiner or deputy county medical examiner aware of that fact and whether or not any of those individuals survived that incident when notifying the county medical examiner or deputy county medical examiner of the death as required under subsection (1). If any of those individuals survived, the county medical examiner or deputy county medical examiner shall also be informed which hospital or institution those individuals were taken to and the hospital or institution shall also be made aware that the incident involved 2 or more individuals with similar attributes.

(3) If a physician, an individual in charge of any hospital or institution, or other individual with knowledge of the death of an individual as described under subsection (1) has knowledge that the death has already been reported to the county medical examiner or deputy county medical examiner under subsection (1), the physician, individual in charge of any hospital or institution, or other individual is not required to notify the county medical examiner or deputy county medical examiner of the death under subsection (1).

(4) If an elderly and vulnerable adult death review team is established under section 1c, a county medical examiner or deputy county medical examiner who receives notice of a death of an elderly or vulnerable adult who died unexpectedly or under suspicious circumstances may refer the case to the elderly and vulnerable adult death review team. Upon receipt of a referral under this subsection, the elderly and vulnerable adult death review team shall conduct a review of this matter. Information obtained under this subsection by an elderly and vulnerable adult death review team established under section 1c is confidential and may be disclosed by the elderly and vulnerable adult death 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 obtained under this subsection by an elderly and vulnerable adult death review team established under section 1c is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

This act is ordered to take immediate effect.

Carol Morey Viventi

Secretary of the Senate

Sam E. Randall

Clerk of the House of Representatives

Approved

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Governor