

# Legislative Analysis



## ALLOW PHYSICIAN FROM BORDERING STATE TO SERVE AS MEDICAL EXAMINER

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**House Bill 5039 as introduced**  
**Sponsor: Rep. Tom Casperson**  
**Committee: Local Government and Urban Policy**

### **First Analysis (9-7-05)**

**BRIEF SUMMARY:** The bill would permit a physician licensed in a bordering state to be appointed as a medical examiner if the county does not have an accredited hospital.

**FISCAL IMPACT:** The bill would have no fiscal impact on the state or on local governments.

### **THE APPARENT PROBLEM:**

Currently, under Public Act 181 of 1953, county commissioners appoint the county medical examiner who, among other requirements, must be a physician licensed to practice in Michigan. Reportedly, the medical examiner in Menominee County recently retired. Under current law, the county could join with a neighboring county (Dickinson, Marquette, or Delta) and jointly appoint a medical examiner to serve both counties. However, the distance between county seats and other localities in each of the counties can be considerable, making a joint appoint rather impractical. Moreover, the main hospital serving Menominee County is actually located just across the border in Marinette, Wisconsin. (There is no accredited hospital located in Menominee County.) Given the unique situation that exists in Menominee County, legislation permitting a physician licensed in a bordering state to serve as a county medical examiner has been introduced.

### **THE CONTENT OF THE BILL:**

The bill would amend Public Act 181 of 1953, concerning the powers and duties of medical examiners, to allow a physician licensed in a state that borders Michigan to be appointed as a medical examiner, if the county in which the appoint is being made does not have an accredited hospital.

MCL 52.201

### **BACKGROUND INFORMATION:**

Section 16171 of the Public Health Code lists several categories of individuals who are not required to be licensed under the PHC for the practice of a health profession. Included in this list are individuals residing in another state and authorized to practice a health profession in that state, in certain limited circumstances, and individuals residing adjacent to the land border between Michigan and a bordering state who are authorized to

practice a health profession in that bordering state and whose practice may extend into Michigan. (This only applies if the individual does not maintain an office or other location to meet patients in Michigan.) A bill is anticipated that will, similar to HB 5039, exempt from the license requirements under the PHC an individual licensed in a border state appointed as a county medical examiner in Michigan.

***ARGUMENTS:***

***For:***

The bill provides Menominee County with added flexibility in appointing a medical examiner. Given the distance between municipalities in that area of the Upper Peninsula, it may be impractical for the county to share a medical examiner with any of its neighbors. Moreover, since the main hospital in the area is located in Wisconsin, it is likely that most of the physicians in the area are licensed in Wisconsin, rather than Michigan. The bill expands the pool of area physicians who are eligible to serve as the county medical examiner.

***POSITIONS:***

The Department of Community Health supports the concept of the bill. (9-7-05)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.