

# SENATE BILL No. 760

September 20, 2005, Introduced by Senators BERNERO, TOY, SCHAUER, SCOTT, OLSHOVE, PRUSI, GOSCHKA, BARCIA, JACOBS, LELAND and CLARKE and referred to the Committee on Health Policy.

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.

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

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

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

5 (2) **THE COUNTY MEDICAL EXAMINER SHALL ESTABLISH AN ELDER DEATH**  
6 **REVIEW TEAM. THE COUNTY MEDICAL EXAMINER MAY DEVELOP PROTOCOLS TO**  
7 **BE USED BY THE ELDER DEATH REVIEW TEAM IN CONDUCTING A PRELIMINARY**  
8 **INVESTIGATION. THE ELDER DEATH REVIEW TEAM SHALL CONSIST OF THE**  
9 **COUNTY MEDICAL EXAMINER OR DEPUTY COUNTY MEDICAL EXAMINER,**  
10 **PHYSICIANS AND OTHER HEALTH CARE PROFESSIONALS SPECIALIZING IN**  
11 **GERIATRIC MEDICINE, MEMBERS OF RELEVANT STATE AND LOCAL LAW**  
12 **ENFORCEMENT AGENCIES, MEMBERS REPRESENTING THE DEPARTMENT OF**  
13 **COMMUNITY HEALTH WHO ARE INVOLVED WITH THE LICENSING AND REGULATION**  
14 **OF LONG-TERM CARE FACILITIES, AND MEMBERS REPRESENTING THE**  
15 **DEPARTMENT OF HUMAN SERVICES WHO ARE INVOLVED WITH ISSUES REGARDING**  
16 **ADULT PROTECTIVE SERVICES.**

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

20 (a) The individual dies by violence.

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

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

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

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

7 (3) IF A RESIDENT DIES WHILE IN A LONG-TERM CARE FACILITY AND  
8 THE ELDER DEATH REVIEW TEAM DETERMINES THAT THE DEATH IS SUSPICIOUS  
9 OR APPEARS TO HAVE BEEN CAUSED BY ABUSE OR NEGLECT, THE COUNTY  
10 MEDICAL EXAMINER OR DEPUTY COUNTY MEDICAL EXAMINER, UPON BEING  
11 NOTIFIED OF THAT DEATH, SHALL EXAMINE THE BODY OF THE DECEASED  
12 RESIDENT AND FURTHER INVESTIGATE THE CAUSE AND MANNER OF DEATH.

13 (4) ~~—(3)—~~ In conducting an investigation under subsection (1),  
14 ~~or~~ ~~(2)~~, OR (3), a county medical examiner or deputy county medical  
15 examiner may request the circuit court to issue a subpoena to  
16 produce medical records, books, papers, documents, or other items  
17 related to the death being investigated. The circuit court may  
18 punish failure to obey a subpoena issued under this section as  
19 contempt of court.

20 (5) ~~—(4)—~~ Medical records, books, papers, documents, or other  
21 items that a county medical examiner or deputy county medical  
22 examiner obtains in conducting an investigation under this act,  
23 whether in response to a subpoena or otherwise, are exempt from  
24 disclosure under the freedom of information act, 1976 PA 442, MCL  
25 15.231 to 15.246.

26 (6) ~~—(5)—~~ As used in this section:

27 (a) "Home hospice care" means a program of planned and

1 continuous hospice care provided by a hospice or a hospice  
 2 residence that consists of a coordinated set of services rendered  
 3 to an individual at his or her home on a continuous basis for a  
 4 disease or condition with a terminal prognosis.

5 (B) "LONG-TERM CARE FACILITY" MEANS 1 OR MORE OF THE  
 6 FOLLOWING:

7 (i) A HOME FOR THE AGED AS DEFINED IN SECTION 20106 OF THE  
 8 PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.20106.

9 (ii) AN ADULT FOSTER CARE FACILITY AS DEFINED IN SECTION 3 OF  
 10 THE ADULT FOSTER CARE FACILITY LICENSING ACT, 1979 PA 218, MCL  
 11 400.703.

12 (iii) A NURSING HOME AS DEFINED IN SECTION 20109 OF THE PUBLIC  
 13 HEALTH CODE, 1978 PA 368, MCL 333.20109.

14 (iv) A COUNTY MEDICAL CARE FACILITY AS DEFINED IN SECTION 20104  
 15 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.20104.

16 (v) A HOSPITAL LONG-TERM CARE UNIT AS DEFINED IN SECTION 20106  
 17 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.20106.

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

21 (D) ~~-(e)-~~ "Registered nurse" means a person licensed as a  
 22 registered professional nurse under part 172 of the public health  
 23 code, 1978 PA 368, MCL 333.17201 to 333.17242.

24 Sec. 3. (1) ~~Any physician and any person~~ **A PHYSICIAN, AN**  
 25 **INDIVIDUAL** in charge of any hospital or institution, or any ~~person~~  
 26 ~~who shall have~~ **OTHER INDIVIDUAL WHO HAS** first knowledge of ~~the~~  
 27 ~~death of any person who shall have~~ **1 OR MORE OF THE FOLLOWING**

1 SHALL IMMEDIATELY NOTIFY THE COUNTY MEDICAL EXAMINER OR DEPUTY OF  
2 THAT FACT:

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

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

10 (C) AN INDIVIDUAL WHO DIED AS THE RESULT OF what is commonly  
11 known as an abortion, whether self-induced or otherwise. ~~—, shall~~  
12 ~~notify the county medical examiner or his deputy immediately of the~~  
13 ~~death.~~

14 (D) AN INDIVIDUAL WHO DIED WHILE A RESIDENT OF A LONG-TERM  
15 CARE FACILITY.

16 (2) A COUNTY MEDICAL EXAMINER OR DEPUTY WHO RECEIVES NOTICE OF  
17 A DEATH OF AN INDIVIDUAL WHO DIED WHILE A RESIDENT OF A LONG-TERM  
18 CARE FACILITY SHALL REFER THE CASE TO THE ELDER DEATH REVIEW TEAM  
19 FOR A PRELIMINARY INVESTIGATION TO DETERMINE WHETHER THE DEATH IS  
20 SUSPICIOUS OR APPEARS TO HAVE BEEN CAUSED BY ABUSE OR NEGLECT. IN  
21 ACCORDANCE WITH PROTOCOLS ESTABLISHED BY THE COUNTY MEDICAL  
22 EXAMINER PURSUANT TO SECTION 1C, THE ELDER DEATH REVIEW TEAM SHALL  
23 DO EACH OF THE FOLLOWING:

24 (A) INFORM THE FAMILY OF THE DECEASED THAT A PRELIMINARY  
25 INVESTIGATION IS BEING CONDUCTED TO DETERMINE WHETHER A FURTHER  
26 INVESTIGATION AND AUTOPSY IS NECESSARY TO CONFIRM OR DENY WHETHER  
27 THE DEATH WAS A RESULT OF SUSPICIOUS CIRCUMSTANCES OR A RESULT OF

1 ABUSE OR NEGLECT.

2 (B) INVITE THE FAMILY OF THE DECEASED TO PROVIDE ANY  
3 INFORMATION OR EVIDENCE TO THE ELDER DEATH REVIEW TEAM THAT MAY BE  
4 RELATED TO THE DEATH OF THE DECEASED WHILE A RESIDENT OF A LONG-  
5 TERM CARE FACILITY.