

HOUSE BILL NO. 5044

September 26, 2023, Introduced by Reps. Mueller, Rogers, Bezotte, Brabec, Hope, Paiz, Puri, Koleszar, Steckloff, Price, Outman, Liberati, Skaggs, Andrews, Wozniak, Prestin, Rheingans, McFall, VanderWall and Farhat 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 2 and 3 (MCL 52.202 and 52.203), as amended by 2012 PA 171.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

4 (a) The individual dies by violence.

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

6 (c) The individual dies without medical attendance by a
7 physician ~~within the 1 year immediately preceding the time of~~
8 **death**, or the individual dies while under home hospice care without
9 medical attendance by a physician or a registered nurse ~~during~~
10 **within** the 48 hours immediately preceding the time of death, unless
11 the attending physician **or a physician acting as the authorized**
12 **representative of the attending physician**, if any, is able to
13 determine accurately the cause of death.

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

16 (2) If a prisoner in a county or city jail dies while
17 imprisoned, the county medical examiner or deputy county medical
18 examiner, upon being notified of the death of the prisoner, shall
19 examine the body of the deceased prisoner.

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

27 (4) Medical records, books, papers, documents, or other items
28 that a county medical examiner or deputy county medical examiner

1 obtains in conducting an investigation under this act, whether in
 2 response to a subpoena or otherwise, are exempt from disclosure
 3 under the freedom of information act, 1976 PA 442, MCL 15.231 to
 4 15.246.

5 (5) As used in this act:

6 (a) "Home hospice care" means a program of planned and
 7 continuous hospice care provided by a hospice or a hospice
 8 residence that consists of a coordinated set of services rendered
 9 to an individual at ~~his or her~~ **the individual's** home on a
 10 continuous basis for a disease or condition with a terminal
 11 prognosis.

12 (b) "Physician" means an individual licensed as a physician
 13 under part 170 or part 175 of the public health code, 1978 PA 368,
 14 MCL 333.17001 to ~~333.17084~~ **333.17097** and 333.17501 to 333.17556.

15 (c) "Registered nurse" means an individual licensed as a
 16 registered professional nurse under part 172 of the public health
 17 code, 1978 PA 368, MCL 333.17201 to 333.17242.

18 Sec. 3. (1) Except as otherwise provided in this section, a
 19 physician, an individual in charge of any hospital or institution,
 20 or any other individual who has first knowledge of any of the
 21 following shall immediately notify the county medical examiner or
 22 deputy county medical examiner of that fact:

23 (a) An individual who died suddenly, unexpectedly,
 24 accidentally, violently, or as the result of any suspicious
 25 circumstances.

26 (b) An individual who died without medical attendance during
 27 the 48 hours prior to the hour of death unless the attending
 28 physician **or a physician acting as the authorized representative of**
 29 **the attending physician**, if any, is able to determine accurately

1 the cause of death.

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

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

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

28 (4) If an elderly and vulnerable adult death review team is
29 established under section 1c, a county medical examiner or deputy

1 county medical examiner who receives notice of a death of an
2 elderly or vulnerable adult who died unexpectedly or under
3 suspicious circumstances may refer the case to the elderly and
4 vulnerable adult death review team. Upon receipt of a referral
5 under this subsection, the elderly and vulnerable adult death
6 review team shall conduct a review of this matter. Information
7 obtained under this subsection by an elderly and vulnerable adult
8 death review team established under section 1c is confidential and
9 may be disclosed by the elderly and vulnerable adult death review
10 team only to the county medical examiner, the county prosecutor's
11 office, local law enforcement, or another elder death review team,
12 as appropriate. The information obtained under this subsection by
13 an elderly and vulnerable adult death review team established under
14 section 1c is exempt from disclosure under the freedom of
15 information act, 1976 PA 442, MCL 15.231 to 15.246.

16 Enacting section 1. This amendatory act does not take effect
17 unless Senate Bill No. ____ or House Bill No. 5043 (request no.
18 02381'23 *) of the 102nd Legislature is enacted into law.