

HOUSE BILL No. 6173

September 23, 1998, Introduced by Rep. Profit and referred to the Committee on Judiciary.

A bill to amend 1978 PA 642, entitled
"Revised probate code,"
by amending section 103 (MCL 700.103).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 103. (1) A ~~hospital, convalescent or nursing home,~~
2 ~~morgue~~ HEALTH FACILITY, A COUNTY MEDICAL EXAMINER OR DEPUTY
3 COUNTY MEDICAL EXAMINER OR HIS OR HER DESIGNEE, or A law enforce-
4 ment agency holding cash not exceeding \$100.00 and wearing
5 apparel of a decedent may deliver the cash and wearing apparel to
6 ~~a person~~ AN INDIVIDUAL furnishing identification and an affida-
7 vit that the ~~person~~ INDIVIDUAL is the spouse, child, or parent
8 of the decedent and that an estate of the decedent is not
9 pending. The ~~hospital, home, morgue,~~ HEALTH FACILITY, COUNTY
10 MEDICAL EXAMINER OR DEPUTY COUNTY MEDICAL EXAMINER OR HIS OR HER
11 DESIGNEE, or law enforcement agency making ~~the~~ A delivery

1 ~~shall be~~ UNDER THIS SUBSECTION IS released FROM LIABILITY to
2 the same extent as if THE delivery were made to a legally quali-
3 fied fiduciary of the decedent's estate, and is not required to
4 see to the disposition of the ~~property~~ CASH AND WEARING
5 APPAREL. The ~~person~~ INDIVIDUAL to whom delivery is made ~~shall~~
6 ~~be~~ UNDER THIS SUBSECTION IS answerable ~~therefor~~ FOR THE CASH
7 AND WEARING APPAREL to ~~a person~~ AN INDIVIDUAL having a prior
8 right and IS accountable to a fiduciary of the estate of the
9 decedent ~~thereafter~~ appointed AFTER THE DELIVERY.

10 (2) THE CUSTODIAN OF A DECEDENT'S MEDICAL RECORDS SHALL
11 DELIVER A COPY OF THE MEDICAL RECORDS TO AN INDIVIDUAL FURNISHING
12 IDENTIFICATION AND AN AFFIDAVIT THAT THE INDIVIDUAL IS THE
13 SPOUSE, CHILD, OR PARENT OF THE DECEDENT, AND THAT AN ESTATE OF
14 THE DECEDENT IS NOT PENDING. DELIVERY OF A DECEDENT'S MEDICAL
15 RECORDS UNDER THIS SUBSECTION DOES NOT PROHIBIT OR PREVENT A
16 LEGALLY QUALIFIED FIDUCIARY OF THE DECEDENT FROM SUBSEQUENTLY
17 OBTAINING FROM THE CUSTODIAN A COPY OF THOSE MEDICAL RECORDS OR
18 OTHER MEDICAL RECORDS OF THE DECEDENT.

19 (3) AS USED IN THIS SECTION:

20 (A) "COUNTY MEDICAL EXAMINER" AND "DEPUTY COUNTY MEDICAL
21 EXAMINER" MEAN A COUNTY MEDICAL EXAMINER OR DEPUTY COUNTY MEDICAL
22 EXAMINER APPOINTED UNDER 1953 PA 181, MCL 52.201 TO 52.216.

23 (B) "HEALTH FACILITY" MEANS A HEALTH FACILITY OR AGENCY
24 LICENSED UNDER ARTICLE 17 OF THE PUBLIC HEALTH CODE, 1978 PA 368,
25 MCL 333.20101 TO 333.22260.

26 (C) "MEDICAL RECORDS" INCLUDES, BUT IS NOT LIMITED TO,
27 MEDICAL HISTORIES, MEDICAL REPORTS, MEDICAL SUMMARIES, MEDICAL

1 DIAGNOSES AND PROGNoses, MEDICAL TREATMENT AND MEDICATION ORDERED
2 AND GIVEN, MEDICAL NOTES, MEDICAL ENTRIES, AND X-RAYS AND OTHER
3 IMAGING RECORDS. MEDICAL RECORDS INCLUDES, BUT IS NOT LIMITED
4 TO, INFORMATION DESCRIBED IN AND REGULATED BY SECTION 748 OF THE
5 MENTAL HEALTH CODE, 1974 PA 258, MCL 330.1748.