

Legislative Analysis



COUNTY MEDICAL EXAMINERS: CLARIFY DUTIES AND PROVIDE IMMUNITY

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House Bill 4893

Sponsor: Rep. Mary Valentine

Committee: Health Policy

Complete to 10-19-09

A SUMMARY OF HOUSE BILL 4893 AS INTRODUCED 5-6-09

The bill would:

- Clarify the duties of a county medical examiner.
- Allow a county medical examiner to dispose of portions of a body retained in a criminal investigation as medical waste when no longer needed.
- Provide civil immunity for a county medical officer or a person acting under the medical officer's authority for actions arising out of the performance of duties.
- Make numerous technical and editorial changes.

The bill would amend Public Act 181 of 1953, which creates the office of county medical examiner and prescribes the power and duties of county medical examiners.

Clarification of duties. The bill would make numerous revisions to make the act more readable. Some of the changes having a more substantive effect are as follows:

- Currently, after a medical examiner views the body and makes a personal inquiry into the cause and manner of death, the medical examiner or a deputy may have the dead body removed to the public morgue. The bill instead would specify that if after examining the body and investigating the cause and manner of the death, the county medical examiner considers a further examination necessary, he or she (not the deputy) may cause the body to be removed to the public morgue. (Underlining denotes new language.)
- Instead of designating a "person" to do certain allowable tasks, the bill would allow a county medical examiner to designate a medical examiner investigator to complete those tasks.
- Currently, a county medical examiner or his or her designee may perform an autopsy. A written report regarding the condition of the body and the cause and manner of death must be included in the report. The bill would clarify that the person performing the autopsy must subscribe (sign) the report.

- Currently, a county medical examiner is authorized to retain, as long as may be necessary, any portion of the body believed by the medical examiner necessary for the detection of any crime. The bill would delete the underlined language and instead allow a county medical examiner to retain any portion of the body considered necessary to establish the cause of death, the conditions contributing to death, or the manner of death, or as evidence of any crime. Upon determining that retention of the portions of the body were no longer necessary under this provision, the county medical examiner could dispose of the retained body portions in the manner prescribed for medical waste under Part 138 of the Public Health Code.
- The bill would create immunity from civil liability for a county medical examiner or any person acting under the M.E.'s authority in the performance of medical examiner duties under the act. This would include, but not be limited to, autopsy dissection, diagnoses, opinions, or certification of death. Specifically, the person would not be liable in a civil action for damages as a result of an act or omission by the person arising out of and in the course of the person's good faith performance of medical examiner duties unless the person's act or omission was the result of that person's gross negligence or willful misconduct.

MCL 52.205

FISCAL IMPACT:

House Bill 4893 has no cost implications for the Michigan Department of Community Health.

House Bill 4893 may have cost implications for county governments. County medical examiner costs may be reduced with new language providing clarification regarding practice related to disposal of retained body portions. County costs may also be reduced by the inclusion of non-liability language within the statute.

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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.