



House Office Building, 9 South  
Lansing, Michigan 48909  
Phone: 517/373-6466

## NO RESIDENCE REQ. FOR COUNTY MEDICAL EXAMINER

House Bill 5186 (Substitute H-1)  
First Analysis (10-24-01)

Sponsor: Rep. Gerald Van Woerkom  
Committee: Local Government and  
Urban Policy

### ***THE APPARENT PROBLEM:***

Some counties, particularly those located in rural areas of the state, experience difficulty finding a licensed physician who is both eligible to serve and genuinely interested in serving as county medical examiner. County boards of commissioners sometimes find qualified individuals who would like the position, but are ineligible because of the act's residence requirement, which states that the individual must live in either the county for which he or she is appointed or a neighboring county. Occasionally, county boards have even appointed such individuals, suggesting that such appointments conform to the spirit of the law, if not its letter. Supporters of the bill suggest that the residence requirement should be eliminated to allow a licensed physician to (legally) serve as a county medical examiner for a county, regardless of whether he or she resides in that county or in a neighboring county.

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

Public Act 181 of 1953 authorizes the county board of supervisors to abolish the office of coroner and instead appoint a licensed physician to serve as a county medical examiner. Currently the law requires that the appointee be a resident of the county for which he or she is appointed or of a neighboring county. The law also permits two or more adjoining counties to enter into an agreement to employ the same person to act as medical examiner for all of the counties. House Bill 5186 would amend the act (MCL 52.201) to eliminate the residence requirement for the county medical examiner and to allow two or more counties—regardless of whether they are contiguous—to employ the same medical examiner. The bill would also change references to the board of supervisors to the board of commissioners.

### ***FISCAL IMPLICATIONS:***

According to the House Fiscal Agency, the bill has no fiscal implications for the state. (10-24-01)

### ***ARGUMENTS:***

#### ***For:***

The residence requirement for county medical examiners should be eliminated. The position of county medical examiner should be filled by a qualified physician who genuinely wants the appointment. In some cases, the residence requirement narrows the pool of candidates without providing any clear benefit, since the time that it takes a medical examiner to travel from his or her residence to his or her county of appointment is not a critical issue. Under current law, county medical examiners may—and do—appoint a deputy medical examiner and several medical examiner investigators, who may assist the county medical examiner in the performance of his or her duties. Even when the county examiner lives in the county to which he or she is appointed, the deputy examiner or an examiner investigator frequently acts on the examiner's behalf, as provided by law. Regardless of where the county examiner lives, it is far more important that the county medical examiner have a well-trained, reliable deputy and a team of investigators who can be trusted to respond to the scene professionally than that the county examiner himself or herself is able to respond immediately. There is no reason why counties should be forced to employ a candidate who resides in the county or a neighboring county, if they believe that a physician who lives elsewhere is a more qualified and eager candidate. Likewise, two or more counties should be allowed to employ the same medical examiner, whether or not the individual resides in either county or in counties adjacent to either county.

### ***POSITIONS:***

The Michigan Association of Medical Examiners supports the bill. (10-23-01)

The Michigan Association of Counties does not oppose the bill. (10-24-01)

Analyst: J. Caver

■ 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.