



**House
Legislative
Analysis
Section**

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**NO RESIDENCE REQ. FOR MEDICAL
EXAMINERS**

**House Bill 5186 as passed by the House
Second Analysis (12-21-01)**

**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 licensed physicians who are both eligible to serve and genuinely interested in serving as county medical examiner and/or deputy county medical examiner. Counties sometimes find qualified individuals who would like one of the positions, but are ineligible because of residence requirements, which state that examiners and deputy examiners must live in either the county for which they are appointed or a neighboring county. Occasionally, county boards have even appointed individuals who work in the county or in a neighboring county but do not live there, suggesting that such appointments conform to the spirit of the law, if not to its letter. Supporters of the bill suggest that the residence requirements should be eliminated to allow a licensed physician to (legally) serve as a county medical examiner or deputy county medical examiner for a county, regardless of where he or she resides.

THE CONTENT OF THE BILL:

Public Act 181 of 1953 authorizes the county board of supervisors (now commonly known as the county board of commissioners) to abolish the office of coroner and instead appoint a licensed physician to serve as a county medical examiner. Currently the law requires that a county medical examiner be a resident of the county for which he or she is appointed or of a neighboring county. Further, a deputy county medical examiner, who is also a licensed physician appointed by the county board of commissioners, must be a resident of the county for which he or she is appointed or of a contiguous county; a deputy examiner for a county with a population of 1,000,000 or more must be a resident of the county itself. 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 and 52.201b) to eliminate the residence requirements for both county medical examiners and deputy county medical examiners. Moreover, the bill would allow two or more counties—regardless of whether they are contiguous—to employ the same medical examiner. Finally, the bill would 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. (12-18-01)

ARGUMENTS:

For:

The residence requirement for county medical examiners and deputy county medical examiners should be eliminated. These positions should be filled by qualified physicians who genuinely want 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 or deputy examiner to travel from his or her residence to his or her county of appointment is not necessarily a critical issue. Under current law, county medical examiners may—and do—appoint medical examiner investigators, who may assist the county medical examiner in the performance of his or her duties. Even when the county examiner and deputy examiner live in the county to which they are appointed, an examiner investigator frequently acts on the examiner's behalf, as provided by law. If the county medical examiner has a team of investigators who can be trusted to respond in a timely and professional manner, then there is no reason why the county examiner or deputy county examiner needs to respond immediately. Thus, if the county board of commissioners believe that an individual is qualified and genuinely interested in the position of medical examiner or

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deputy examiner, and the examiner has appointed a deputy or a team of investigators who can respond to the scene quickly, there is no reason why the county should not be allowed to hire someone who does not live in the county or in a contiguous county.

Also, 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. As long as the county board of commissioners is satisfied that the county medical examiner can effectively manage his or her deputies and investigators in the counties where he or she is appointed, the board should have the right to appoint an individual regardless of where he or she lives.

POSITIONS:

The Michigan Association of Medical Examiners supports the bill. (12-18-01)

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.