

HOUSE BILL No. 4353

March 18, 2003, Introduced by Reps. Shackleton, Sheltroun, Julian, Brown, Bieda and Pastor and referred to the Committee on Local Government and Urban 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 section 2 (MCL 52.202), as amended by 2001 PA 26.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 2. (1) A county medical examiner or deputy county
2 medical examiner shall investigate the cause and manner of death
3 under each of the following circumstances:
- 4 (a) The case of an individual who has died by violence.
 - 5 (b) The case of an individual whose death was unexpected.
 - 6 (c) The case of an individual who died without medical
7 attendance during the 48 hours immediately preceding the time of

1 death, unless the attending physician, if any, is able to
2 determine accurately the cause of death.

3 (d) The case of an individual who has died as the result of
4 an abortion, whether self-induced or otherwise.

5 (2) If a prisoner in a county or city jail dies while so
6 imprisoned, the county medical examiner or deputy county medical
7 examiner, upon being notified of the death of the prisoner, shall
8 examine the body of the deceased prisoner.

9 (3) In conducting an investigation under subsection (1) or
10 (2), a county medical examiner or deputy county medical examiner
11 may request the circuit court to issue a subpoena to produce
12 medical records, books, papers, documents, or other items related
13 to the death being investigated. **If the personal representative**
14 **of the deceased individual consents to the release of the**
15 **deceased individual's mental health records, a county medical**
16 **examiner or deputy county medical examiner may request the**
17 **circuit court to issue a subpoena to produce mental health**
18 **records and information related to the death being investigated.**
19 The circuit court may punish failure to obey a subpoena issued
20 under this section as contempt of court.

21 (4) Medical records, **mental health records**, books, papers,
22 documents, or other items that a county medical examiner or
23 deputy county medical examiner obtains in conducting an
24 investigation under this act, whether in response to a subpoena
25 or otherwise, are exempt from disclosure under the freedom of
26 information act, 1976 PA 442, MCL 15.231 to 15.246.

27 (5) **The following privileges do not apply to medical records,**

1 mental health records, or other information to which access is
2 given under this section:

3 (a) The physician-patient privilege created in section 2157
4 of the revised judicature act of 1961, 1961 PA 236, MCL
5 600.2157.

6 (b) The dentist-patient privilege created in section 16648 of
7 the public health code, 1978 PA 368, MCL 333.16648.

8 (c) The licensed professional counselor-client and limited
9 licensed counselor-client privilege created in section 18117 of
10 the public health code, 1978 PA 368, MCL 333.18117.

11 (d) The psychologist-patient privilege created in section
12 18237 of the public health code, 1978 PA 368, MCL 333.18237.