

HOUSE BILL No. 4938

June 14, 2005, Introduced by Reps. Hune, Gleason, Gaffney, Wojno, Hildenbrand and Mortimer and referred to the Committee on Health 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,"

(MCL 52.201 to 52.216) by adding section 9.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 9. (1) IF A COUNTY MEDICAL EXAMINER OR A DEPUTY RECEIVES
2 NOTIFICATION FROM A PERSON OTHER THAN A REPRESENTATIVE OF A
3 HOSPITAL OF A DEATH THAT REQUIRES AN INVESTIGATION BY THE COUNTY
4 MEDICAL EXAMINER'S OFFICE PURSUANT TO THIS ACT, THE COUNTY MEDICAL
5 EXAMINER OR DEPUTY SHALL TAKE CHARGE OF THE BODY. UPON VIEWING THE

1 BODY AND PERSONALLY INQUIRING INTO THE CAUSE AND MANNER OF THE
2 DEATH, THE COUNTY MEDICAL EXAMINER OR DEPUTY DETERMINES THAT THE
3 BODY, ACCORDING TO CRITERIA ESTABLISHED BY MICHIGAN'S FEDERALLY
4 DESIGNATED ORGAN PROCUREMENT ORGANIZATION, MAY BE SUITABLE FOR
5 DONATION OR FOR THE DONATION OF PHYSICAL PARTS, THE COUNTY MEDICAL
6 EXAMINER OR DEPUTY SHALL, IN A TIMELY MANNER AS PRESCRIBED UNDER
7 SUBSECTION (2), CONTACT MICHIGAN'S FEDERALLY DESIGNATED ORGAN
8 PROCUREMENT ORGANIZATION OR ITS SUCCESSOR ORGANIZATION. EACH COUNTY
9 MEDICAL EXAMINER SHALL ENTER INTO AN AGREEMENT WITH THE FEDERALLY
10 DESIGNATED ORGAN PROCUREMENT ORGANIZATION AND THE EYE AND TISSUE
11 ORGANIZATION THAT COORDINATES THE RECOVERY AND ALLOCATION OF
12 ANATOMICAL DONATIONS IN THAT COUNTY. THE AGREEMENT SHALL OUTLINE
13 THE PROCEDURES AND PROTOCOLS OF EACH PARTY TO ASSURE THAT
14 TRANSPLANTABLE ORGANS, TISSUES, AND EYES ARE OBTAINED FROM
15 POTENTIAL DONORS. THE COUNTY SHALL COVER THE USUAL AND CUSTOMARY
16 ADMINISTRATIVE COSTS FOR REGULAR COMMUNICATIONS AND ACTIVITIES
17 ASSOCIATED WITH ORGAN, TISSUE, OR EYE DONATIONS. THE AGREEMENT
18 SHALL PROVIDE THAT IF ANY EXTRAORDINARY MEDICAL EXAMINATIONS ARE
19 NECESSARY PRIOR TO THE REMOVAL OF ORGANS, TISSUES, OR EYES, THE
20 ORGANIZATION SHALL COVER THOSE COSTS. THE COUNTY MEDICAL EXAMINER
21 OR DEPUTY MAY RELEASE ANY INFORMATION TO THE FEDERALLY DESIGNATED
22 ORGAN PROCUREMENT ORGANIZATION OR EYE AND TISSUE ORGANIZATION THAT
23 IS NECESSARY TO IDENTIFY POTENTIAL ORGAN, TISSUE, OR EYE DONORS AND
24 SEEK CONSENT FOR SUCH DONATIONS IN ACCORDANCE WITH PART 101 OF THE
25 PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.10101 TO 333.10109. A
26 COUNTY MEDICAL EXAMINER OR DEPUTY SHALL NOT DISCUSS THE OPTION OF
27 ORGAN DONATION WITH ANY INDIVIDUAL WITH THE AUTHORITY TO MAKE A

1 GIFT UNDER SECTION 10102 OF THE PUBLIC HEALTH CODE, 1978 PA 368,
2 MCL 333.10102.

3 (2) IF AN INVESTIGATION OF THE CAUSE AND MANNER OF DEATH,
4 REGARDLESS OF WHETHER THE DEATH OCCURRED IN A HOSPITAL OR NOT, IS
5 REQUIRED UNDER THIS ACT AND THE COUNTY MEDICAL EXAMINER OR DEPUTY
6 HAS NOTICE THAT THE INDIVIDUAL IS A DONOR, THE COUNTY MEDICAL
7 EXAMINER OR DEPUTY SHALL CONDUCT THE EXAMINATION OF THE DEAD BODY
8 WITHIN A TIME PERIOD THAT PERMITS ORGANS, TISSUES, AND EYES TO
9 REMAIN VIABLE FOR TRANSPLANT. IF THE COUNTY MEDICAL EXAMINER OR
10 DEPUTY IS UNABLE TO CONDUCT THE INVESTIGATION WITHIN THAT PERIOD OF
11 TIME, A HEALTH CARE PROFESSIONAL WHO IS AUTHORIZED TO REMOVE AN
12 ANATOMICAL GIFT FROM A DONOR MAY REMOVE THE DONATED TISSUES OR
13 ORGANS, OR BOTH, IN ORDER TO PRESERVE THE VIABILITY OF THE DONATED
14 TISSUES OR ORGANS FOR TRANSPLANT UPON NOTIFYING THE COUNTY MEDICAL
15 EXAMINER OR DEPUTY. IF THE COUNTY MEDICAL EXAMINER OR DEPUTY
16 DETERMINES THAT A TISSUE OR ORGAN MAY BE RELATED TO THE CAUSE OF
17 DEATH, THE COUNTY MEDICAL EXAMINER OR DEPUTY MAY DO 1 OR MORE OF
18 THE FOLLOWING:

19 (A) REQUEST TO BE PRESENT DURING THE REMOVAL OF THE DONATED
20 TISSUES OR ORGANS.

21 (B) REQUEST A BIOPSY OF THE DONATED TISSUES OR ORGANS.

22 (C) DENY REMOVAL OF ANY TISSUE OR ORGAN.