STATE OF MICHIGAN
DEPARTMENT OF HEALTH AND HUMAN SERVICES
LANSING

GRETCHEN WHITMER
GOVERNOR

ROBERT GORDON
DIRECTOR

Emergency Order Under MCL 333.2253 – COVID-19 Death Reporting

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, Governor Gretchen Whitmer issued Executive Order 2020-4. As of April 4, 2020, there were 14,225 cases of COVID-19 diagnosed in Michigan, with 540 persons having perished from the virus. The exponential increase in cases demonstrates that many of these cases are the result of widening community spread.

Social distancing measures, including isolation of persons affected by COVID-19, are essential to control the epidemic. The success of such measures is reliant upon rapid identification of persons affected by the virus, including those who perish as the result of COVID-19 infection.

MCL 333.2843(3) requires funeral directors to certify death records and file those records with the local registrar within 72 hours of a death. To ensure that COVID-19 deaths are rapidly brought to the attention of public health officials, this timeline must be expedited where COVID-19 is identified as a cause of death. Use of traditional mail introduces additional delays. Some funeral directors obtain physician signatures in person, resulting in avoidable instances of close personal contact that could spread COVID-19. Finally, use of fax machines to submit death records to local registrars places a significant burden on those offices during a time when many employees are working from home.

In light of the above, and upon the advice of scientific and medical experts employed by the Michigan Department of Health and Human Services, I have concluded per MCL 333.2253 that COVID-19 has reached epidemic status in Michigan. I further conclude that control of the epidemic is necessary to protect the public health, and that it is necessary to establish procedures to be followed during the epidemic to insure continuation of essential public health services and enforcement of health laws.

I therefore order that:

1. If, at the time of death, a physician who is required to complete the medical certification under section 2843(1)(a) knows or suspects that the deceased individual was infected with COVID-19, the physician must endeavor to promptly convey this information to the funeral director or the funeral director's authorized agent.

2. Where a funeral director learns that a death resulted or is suspected to have resulted from COVID-19, funeral directors subject to MCL 333.2843(3) are required to:
    a. Initiate the death record and submit to the attending physician or representative as defined in MCL 333.2843(1)(a) within 24 hours of becoming aware that the death resulted or is suspected to have resulted from COVID-19, and

b. File the death record with the local registrar of the district where the death occurred within 48 hours after becoming aware that the death resulted or is suspected to have resulted from COVID-19, or within 72 hours of the death, whichever is earlier.

3. Funeral directors subject to MCL 333.2843(3) must initiate and report all deaths via Michigan's Electronic Death Records System, located at https://michiganedrs.org/.

4. Physicians who receive a death record for medical certification where the death resulted or is suspected to have resulted from COVID-19 must endeavor to certify the death record within 24 hours of receipt.

5. Physicians, particularly medical examiners and hospitalists, are strongly encouraged to use Michigan's Electronic Death Records System to certify death records.

This order is effective immediately and remains in effect until lifted.

Date: April 4, 2020

Robert Gordon, Director

Michigan Department of Health and Human Services