

WEST VIRGINIA BOARD OF REGENTS

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*Title 128
Legislative Rule*

~~POLICY BULLETIN NO.~~

Series 58

~~MAY 3, 1983~~

POLICY REGARDING THE ESTABLISHMENT OF THE BOARD OF REGENTS ANATOMICAL BOARD

Section 2 Policy Introduction

RESOLVED, That the West Virginia Board of Regents hereby adopts a "Policy Regarding the Establishment of the Board of Regents Anatomical Board," which Anatomical Board shall be responsible for making requisition for, receiving, and making deposition of dead human bodies for the scientific uses and purposes of reputable educational institutions within the State and elsewhere, having medical, osteopathy, dentistry, or nursing schools. This policy shall be effective upon adoption by the Board of Regents, but not earlier than May 31, 1983.

Section 2 A. Basis for the Establishment of the Anatomical Board

2.1 *A.* Senate Bill No. 15, which was enacted by the Legislature of West Virginia in March 1983, transfers the powers and duties of the West Virginia Anatomical Board to the West Virginia Board of Regents, effective May 31, 1983. This legislation authorizes the Board of Regents to conduct the functions specified or to appoint a Board of Regents Anatomical Board to carry out these functions.

2.2 *A.* Senate Bill No. 15 repealed Chapter 18, Article 11, Sections 12 through 18 of the West Virginia Code (1931), as amended; reenacted Chapter 16,

Article 19, Sections 3 and 4 of the Code; and amended Chapter 18, Article 26 of the Code by adding thereto a new section, designated Section 8d, all relating to transferring the powers and duties of the West Virginia Anatomical Board to the Board of Regents.

2.3 & Sections 16-19-3 and 16-19-4 of the Code contain the provisions of the Uniform Anatomical Gift Act, and Section 18-26-8d specifies the powers and duties of the West Virginia Board of Regents relating to anatomical gifts, the requisition of bodies, requirements for autopsies, transportation of bodies, preservation expense, required bonding of Anatomical Board members, and offenses and penalties associated with failure to perform the duties and responsibilities specified in the Code. In essence, the Anatomical Board operates in the public interest, protecting the rights of citizens who have exercised the provisions of the Uniform Anatomical Gift Act, and establishing the necessary rules and regulations for the use of such donations and other legally acquired human remains.

2.4 & The purpose of this document is to delineate the policy regarding the execution of the powers and duties granted to the West Virginia Board of Regents regarding the Anatomical Board.

Section 3

III

The Board of Regents' Anatomical Board

3.1

The West Virginia Board of Regents, operating within its authority, hereby establishes the "Board of Regents Anatomical Board." In accordance with the provisions of Chapter 18, Article 26, Section 8d of the West Virginia Code, the Anatomical Board shall have full power to establish rules and regulations for its own governance and for the requisition, use, disposition, and control of such dead human bodies as may come under its authority by way of gift, pursuant to Section 18-26-8d or pursuant to Chapter 16, Article 19, Section 4 of the West Virginia Code.

A. Appointment of Board Members

1. The Board of Regents shall appoint members to the Anatomical Board as prescribed in Section 18-26-8d of the Code. The Board of Regents may appoint one dean of a school of medicine, one dean of a school of dentistry, and two chairmen of departments of anatomy of schools of medicine. No more than one member of this board shall be from the same school.

2. The Anatomical Board shall have the authority to designate its officers and to appoint its members to the offices created.
3. Members shall serve at the pleasure of the Board of Regents with date of initial appointment to be effective May 31, 1983. The term of office of each member shall be for a period of three years from the date of appointment. Because membership on the Anatomical Board for the most part is specified in the statute and tied to certain positions within the State's School of Dentistry and schools of medicine, members of necessity may be reappointed to membership on the Anatomical Board. When a member is no longer available to complete the term of appointment, the chief executive of the Anatomical Board shall notify the Chancellor of the Board of Regents and shall request the appointment of an appropriate person to fill the vacancy. A member may be removed from the Anatomical Board only by action of the West Virginia Board of Regents.

B. Compensation of Board Members

1. All members of the Anatomical Board by statute shall be members of the State's schools of medicine and dentistry and shall not be entitled to, or receive, any compensation for services rendered in their capacity as members of the Anatomical Board. Anatomical Board members may be reimbursed for incidental expenses, subject to applicable State and Board of Regents' regulations.

C. Budget

1. The Board of Regents Anatomical Board shall have no budget and therefore shall receive no direct allocation of State funds. The current practice, whereby the functions of the Anatomical Board are financed by the State's three medical schools as an element of their educational expense, shall continue.
2. Each school currently operates a Human Gift Registry under the rules and regulations of the Anatomical Board. These registries shall be financed as an educational expense of each medical or dental school.

D. Promulgation of Rules and Regulations

1. The Board of Regents Anatomical Board is vested by statute with the authority to establish its own rules

and regulations pursuant to Chapter 18, Article 26, Section 8d of the West Virginia Code.

2. Within 90 days of the adoption of this Policy Bulletin, the Anatomical Board shall transmit to the West Virginia Board of Regents a copy of such rules and regulations as have been adopted by the Anatomical Board. The rules and regulations thereafter shall be included as Appendix A of this Policy Bulletin. By enacting the Policy Bulletin, the Board of Regents specifically adopts, as its own, the current rules and regulations of the West Virginia Anatomical Board. Such rules and regulations shall be in effect until superseded by the rules and regulations adopted by the Board of Regents Anatomical Board.
3. The rules and regulations of the Anatomical Board may be amended or replaced in whole or in part by the Anatomical Board at its pleasure. When such changes are made, however, the revised rules and regulations shall be forwarded to the West Virginia Board of Regents for inclusion as Appendix A of this Policy Bulletin.
4. The Anatomical Board is charged under Section 18-26-8d of the Code with keeping a full and complete record of its transactions, indicating (among other things) every dead human body coming under its authority and giving the name, sex, age, date of death, place from which received, and when and from whom received. This record must be open at all times to the Attorney General of West Virginia and to any prosecuting attorney within the State. Accordingly, a single numbering system shall be established, and the central record-keeping system for the Anatomical Board shall be continued as currently established and functioning under the rules and regulations of the West Virginia Anatomical Board.
5. The West Virginia Code requires that members of the Anatomical Board file a bond with the Clerk of the Circuit Court of Kanawha County or to prove to such Clerk that the members of the Anatomical Board are covered by a suitable bond in the amount of at least one thousand dollars. Accordingly, the West Virginia Board of Regents shall communicate with the State Board of Risk and Insurance Management and with the Circuit Court of Kanawha County to record the filing of such bond.

E. Reporting Requirements

1. The Anatomical Board shall record the minutes of its regular and special meetings and shall forward copies of these minutes to the Chancellor of the West Virginia Board of Regents.
2. The Anatomical Board shall submit to the West Virginia Board of Regents an annual report of major actions taken, issues discussed, transactions accomplished, and recommendations requiring action by the Board of Regents.

Adopted: West Virginia Board of Regents
May 3, 1983

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APPENDIX A

Section 4

THE BOARD OF REGENTS ANATOMICAL BOARD RULES AND REGULATIONS

- 4.1 Institutions and individuals using human bodies for scientific study, as authorized by State statutes, are required thereby to comply with the rules and regulations prescribed by the Board of Regents Anatomical Board. The Board of Regents Anatomical Board shall meet at least annually to review its rules and regulations, elect its chairman, and make appointments. Advance public notice through the news media shall be given for all regularly scheduled meetings of the Board and for all special meetings except for an emergency requiring immediate official action.
- 4.2 The rules and regulations prescribed by the Board of Regents Anatomical Board apply to the use of all bodies, whether requisitioned by the Board of Regents Anatomical Board or donated to specific institutions or authorized persons. It is noted that two general categories of dead human bodies are recognized by State statutes: first, those which are requisitioned by the Board of Regents Anatomical Board (for example, certain bodies that must be buried at public expense) and second, those donated to a specific authorized institution, person, or the Board of Regents Anatomical Board. Institutions utilizing human bodies of either category must designate a person at the institution, acceptable by the Board, who will assume responsibility for assuring full compliance with the following rules and regulations. A written copy of such assurance, designating the name of the responsible person and signed by the chief officer of that institution, is to be submitted to the Board prior to usage of human bodies. Authorized individuals who are not associated with institutions must submit written assurance of compliance with these rules and regulations prior to usage of a human body or bodies.
1. All human bodies used by an authorized institution or individual for scientific study must be channeled through the Board of Regents Anatomical Board prior to usage of the body or bodies. This may be carried out by direct correspondence and does not necessarily require that the body itself be delivered to the Board. All bodies under the jurisdiction of the Board of Regents Anatomical Board are to be numbered using a single numbering system administered by the Secretary of the Board.
 2. All bodies donated directly to any authorized institution or authorized person (for example, not requisitioned by the Board) require a properly signed and witnessed Uniform Donor Card or Donation and Release Form. At the time of delivery of the body to such institution or person, a copy of the Donor Card or Donation and Release Form shall be forwarded to the Board.

3. Postnatal bodies delivered to institutions or to authorized individuals require a Burial-Transit Permit if delivery of the body is made from outside the county in which that institution or other authorized recipient is located. Within a county, a permit is not ordinarily required if the Death Certificate stipulates that the institution or authorized individual is to receive the body. If the body, or any part of the body, or the ashes are removed to any other location, within or outside the county, a Disinterment-Reinterment Permit is then required at the time of removal. Modes of transportation must be appropriate in consideration of the dignity of the human body.
4. Following the usage of a body or bodies, it is the responsibility of the institution or authorized individual utilizing the body to properly dispose of the remains by cremation, unless some other proper manner of disposal is agreed upon by correspondence with the Board. Postnatal bodies must be cremated individually. A suitable crematory other than that used for animal remains is required. Ashes from each postnatal body must be interred in an identified, individual container in a manner that ensures dignity and respect. Upon request by the next-of-kin at the time of donation, ashes will be delivered to the next-of-kin in a suitable container using a proper mode of delivery acceptable by the recipient. Special instructions given by the donor or next-of-kin as to the time or conditions of delivery will be strictly adhered to. If any early delivery of body ashes is requested, that body will be set apart for a schedule that will assure compliance with the wishes of the donor or the donor's family. In all respects, the feelings and the concern of the family will be given proper and faithful consideration.
- ✓5. If a body is donated to any specific institution or authorized person, that body is not to be transferred to any other institution or person without the express written consent of the next-of-kin. A body or any part of a body, whether donated by an individual or requisitioned by the Board which is in care of an authorized institution or person is not to be removed to any other location without the express written consent of the Board of Regents-Anatomical Board.
6. All costs involved in the transportation of a body or bodies, embalming, cremation, and burial are to be assumed by the institution or authorized person utilizing the body or bodies.
7. Confidentiality of the identity of all bodies must be assured, including anonymity for student usage.

8. Predoctoral and postdoctoral students are authorized to utilize human bodies for anatomical study if enrolled in appropriate anatomical courses of medicine, dentistry, or allied health sciences at institutions authorized by State statutes, subject to the rules and regulations prescribed by the Board, and such persons may be allowed access to the locations where bodies are utilized for anatomical study without further specific approval by the Board. Faculty members, resident students, and appropriate non-faculty medical, dental, or allied health practitioners not enrolled in a course at an authorized institution also may utilize human bodies in the care of such institution for study if given permission by the responsible person designated by that institution, and if the study is carried out in the approved areas given to this purpose within that institution, as described below.
9. A body or bodies must be utilized in specific locations approved by the Board. Such locations are to be construed as restricted areas and must be designed to ensure the proper security of the body, prevent unauthorized access or usage, contain facilities required for the proper manner of scientific usage, and remain in a securely locked condition when not in immediate use.

Places for body storage, such as a departmental morgue, are to be construed as restricted areas, and access is to be limited to the faculty and appropriate staff of that department or unit. All other individuals must secure the permission of the responsible person designated by that institution for admission to this restricted area, and only applications giving legitimate reasons for access shall be approved.
10. Photographs of a body or any of its parts are not to be made for any reason without the express written consent of the Board or the responsible person designated by the institution. The Board retains the right to edit, with respect to propriety, all photographs utilizing gross anatomical human material intended for publication, and the Board must be notified of intention to publish such material.
11. No institution or individual may "buy" or "purchase" a human body. However, human bodies may be secured from medical schools in other States should the need arise. Such schools shall be reimbursed only for the cost of embalming and transportation.
12. The Board of Regents Anatomical Board emphasizes the importance of maintaining the continuing good will of the

public. Students who will utilize bodies for anatomical study are to be thoroughly instructed in the proper manner of professional conduct. No action is to be made, in public or private, that in any way will demean the human body. Conversational improprieties and any other manner of unprofessional or unethical conduct are strictly prohibited. The need for genuine and sincere respect for the dignity of the deceased human body and the obligation to treat the body in a responsible and professional manner are to be regarded as essential. While authorized students or others approved by the Board, or by the responsible person of an institution, have access to locations for body usage, such individuals do not have the authority in turn to grant admission or visitation privileges for guests not approved by the responsible person designated by the institution. Only persons having legitimate purpose shall be granted admission or the privilege of usage. All guests granted admission to locations for anatomical study must comply with the professional standards outlined herein.

Missing

13. The proper physical care of each body is to be maintained throughout the period of usage.
14. Non-living human fetuses may be utilized for scientific study, subject to the following constraints:
 - a. Fetuses of less than 20 weeks gestational age require no death certificate or Burial-Transit permit. However, the Board of Regents Anatomical Board requires a Donation and Release Form signed by a parent or next-of-kin and by two witnesses releasing the fetus for scientific study and disposal. Such a statement is required for all in-state, as well as out-of-state, fetuses. Fetus usage and disposition are to be carried out in accordance with the standard procedures pertaining to the usage and disposition of all postnatal human bodies as prescribed by State statutes and subject to the rules and regulations of the Board of Regents Anatomical Board.
 - b. Non-living fetuses exceeding 20 weeks gestational age require a death certificate and Burial-Transit permit in compliance with State statutes. A Donation and Release Form, signed by a parent or next-of-kin and by two witnesses is required by the Board of Regents Anatomical Board, whether the gift is made in-state or out-of-state. A Burial-Transit permit or a Disinterment-Reinterment Permit, whichever applies, is required following the same guidelines prescribed for postnatal bodies. Fetus usage and disposition

are to be carried out in accordance with standard procedures pertaining to the usage and disposition of all postnatal human bodies, in compliance with State statutes, and subject to the rules and regulations of the Board of Regents Anatomical Board.

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O 16.

Full records are to be maintained by all institutions and authorized persons having prenatal and postnatal human bodies in their care. These records shall show all transactions and the name, sex, age, date of death, place from which received, when and from whom received, the Board of Regents Anatomical Board number assigned, and other information relevant for each individual body. Records shall be open at all times to inspection by the Attorney General, prosecuting attorney in the State, and the Board of Regents Anatomical Board.

P 16.

The propriety of any usage of the deceased human body for teaching and research purposes other than conventional anatomical and surgical dissection must be approved in advance by the Board.

Q 17.

The Board of Regents Anatomical Board requires that a personal copy of the Rules and Regulations be provided for each and every individual student, faculty member, secretary, technician, authorized guest, custodial maintenance, and security staff member, and for all other persons having authorized access to locations designated by the Board as "restricted," or otherwise having occasion to participate, in any manner, in the use of dead human bodies or parts of bodies for anatomical study or research. This copy of the Rules and Regulations is to be received by each individual person named above, prior to his or her initial entrance into restricted facilities, or prior to any participation in any act of anatomical study or research utilizing deceased human bodies or part thereof. This paragraph shall not be construed to include the use of human skeletal material purchased through commercial supply houses, but does include all skeletal material derived from any body coming under the authority of the Board of Regents Anatomical Board.

Approved: West Virginia Board of Regents
Date: May 3, 1983

Adopted: West Virginia Board of Regents
Anatomical Board
Date: May 31, 1983