

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW**

AGENCY: University of West Virginia TITLE NUMBER: 128

CITE AUTHORITY: W.Va. Code 18B-6 and 18B-6-6

RULE TYPE: PROCEDURAL _____ INTERPRETIVE X

EXEMPT LEGISLATIVE RULE _____
CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

AMENDMENT TO AN EXISTING RULE: YES X, NO _____

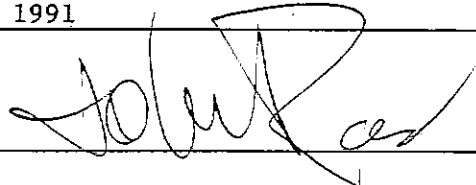
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 58

TITLE OF RULE BEING AMENDED: Anatomical Board

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: _____

TITLE OF RULE BEING ADOPTED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS March 8, 1991



POLICY BULLETIN NUMBER 58

The purpose of Policy Bulletin Number 58 is to establish the University of West Virginia Anatomical Board which shall be responsible for requisition for, receiving, and making disposition of dead human bodies for scientific purposes of reputable educational institutions within the state and elsewhere, having medical, osteopathy, dentistry, or nursing schools.

TITLE 128
WEST VIRGINIA INTERPRETATIVE RULE
UNIVERSITY OF WEST VIRGINIA BOARD OF TRUSTEES
CHAPTER 18B
SERIES 58
POLICY BULLETIN NUMBER 58

TITLE: ANATOMICAL BOARD

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TITLE 128

WEST VIRGINIA INTERPRETATIVE RULE

UNIVERSITY OF WEST VIRGINIA BOARD OF TRUSTEES

CHAPTER 18B

SERIES 58

POLICY BULLETIN NUMBER 58

TITLE: ANATOMICAL BOARD

SECTION 1. GENERAL

- 1.1 Scope - The University of West Virginia Board of Trustees hereby adopts a "Policy Regarding the Establishment of the University of West Virginia Anatomical Board" which 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.
- 1.2 Authority - W.Va. Code 18B-1-6, and 18B-6-6
- 1.3 Filing Date - February 6, 1991
- 1.4 Effective Date- March 8, 1991
- 1.5 Repeal of Former Rule - Repeals and Replaces Board of Regents Policy Bulletin Number 58, dated May 3, 1983.

SECTION II. PURPOSE

- 2.1 The University of West Virginia hereby establishes the University of West Virginia Anatomical Board". In accordance with the provisions of Chapter 18B, Article 6, Section 6 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.

SECTION III. APPOINTMENTS OF MEMBERS

- 3.1 The Board of Trustees shall appoint members to the Anatomical Board. The Board of Trustees 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.
- A. The Anatomical Board shall have the authority to designate its officers and to appoint its members to the offices created.
- B. Members shall serve at the pleasure of the Board of Trustees with the date of initial appointment to be effective March 1, 1990. 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 is 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. Members of the Anatomical Board may be represented by a designee from their respective institution with right of proxy. 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 Trustees 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 by the University of West Virginia Board of Trustees.

SECTION IV. COMPENSATION OF BOARD MEMBERS

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 Trustees regulations.

SECTION V. BUDGET

The University of West Virginia 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.

- A. 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.

SECTION VI. PROMULGATION OF RULES AND REGULATIONS

- 6.1 The University of West Virginia Anatomical Board is vested by statute with the authority to establish its own rules and regulations pursuant to Chapter 18B-6-6 of the West Virginia Code .
- 6.2 Within 90 days of the effective date of this Policy Bulletin, the Anatomical Board shall transmit to the University of West Virginia Board of Trustees a copy of such rules and regulations as have been adopted by the Anatomical Board. The rules and regulations shall thereafter be included as Appendix A of this Policy Bulletin. By enacting the Policy Bulletin, the Board of Trustees specifically adopts, as its own, the current rules and regulations of the University of West Virginia Anatomical Board. Such rules and regulations shall be in effect until superseded by the rules and regulations adopted by the University of West Virginia Anatomical Board.
- 6.3 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 University of West Virginia Board of Trustees for inclusion as Appendix A of this Policy Bulletin.
- 6.4 The Anatomical Board is charged under Section 18B-6-6 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 University of West Virginia Anatomical Board.

In order for the Anatomical Board to more fully comply with its statutory duties relating to the keeping of records, each institution which receives bodies under the Board's authority shall, upon receipt of such body, file with the Board's Secretary a copy of the Death Certificate and a copy of the Donor Registration Form or relative Release Form. Further, each institution which receives executed Donor Registration Forms and bodies under the Board's authority shall file monthly reports with the Board's Secretary giving the name, date of birth or Social Security number, sex, age, date of death, place from which received, and when and from whom received (in the case of a donated body) and a copy of the Donor Registration Form (in the case of newly registered donors). In addition, each institution shall annually submit to the Board the status of each body, or a copy of the Disinterment-Reinterment Permit or some other documentation indicating final disposition.

- 6.5 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 (\$1,000.00). Accordingly, the University of West Virginia Board of Trustees 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,

SECTION VII. REPORTING REQUIREMENTS

- 7.1 The Anatomical Board shall record the minutes of its regular and special meeting and shall forward copies of these minutes to the Chancellor of the University of West Virginia System.
- 7.2 The Anatomical Board shall submit to the University of West Virginia Board of Trustees an annual report of major actions taken, issues discussed, transactions accomplished, and recommendations requiring action by the Board of Trustees.

POLICY BULLETIN NO. 58

APPENDIX A

UNIVERSITY OF WEST VIRGINIA

ANATOMICAL BOARD RULES AND REGULATIONS

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 University of West Virginia Anatomical Board. The University of West Virginia 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.

The rules and regulations prescribed by the University of West Virginia Anatomical Board apply to the use of all bodies, whether requisitioned by the University of West Virginia Anatomical Board or donated under the provisions of the Uniform Anatomical Gift Act. It is noted that two general categories of dead human bodies are recognized by state statutes: first, those which are requisitioned by the University of West Virginia Anatomical Board (for example, certain bodies that must be buried at public expense) and second, those donated under the provisions of the Uniform Anatomical Gift Act to the University of West Virginia Anatomical Board for utilization in scientific or medical research or education. 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 University of West Virginia 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 University of West Virginia Anatomical Board are to be numbered using a single numbering system administered by the Secretary of the Board.
2. All bodies donated for scientific or medical study at an authorized institution or by an authorized person (for example, not requisitioed by the Board) require a properly signed and witnessed Donor Registration or Donation and Release Form. At the time of delivery of the body to such institution or person, a copy of the Death Certificate and Donor Card or Donation and Release Form shall be forwarded to the Board.
3. Postnatal bodies delivered to institutions or 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 as a courtesy and not as a lawful obligation to the next-of-kin in a suitable container using a proper mode of delivery. In all respects, the feelings and concerns of the family will be given reasonable consideration.

5. A body may be donated to a specific institution. However, while reasonable efforts will be made to consider such requests of the donor, the Board may, in its discretion, authorize the use of the body or any part thereof by any authorized institution or person. A body or any part of a body which is in the care of an authorized institution or person may be removed to another authorized institution or person with the written consent of the University of West Virginia Anatomical Board.
6. All costs involved in the transportation of a body or bodies, embalming, cremation, and burial authorized by the Board are to be assumed by the institution or authorized person utilizing the body or bodies. Such institutional costs shall include all administrative costs involved in the above, as well as cost incurred for memorial services, certificates and urns.
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 statute, 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 application 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 and/or transferred to other authorized institutions, with priority in West Virginia, or in other states should the need arise. Such schools shall be reimbursed for all reasonable costs.
12. The University of West Virginia 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.
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 University of West Virginia 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 University of West Virginia 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 University of West Virginia 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 University of West Virginia Anatomical Board.
15. Full records are to 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 University of West Virginia 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 University of West Virginia Anatomical Board.

In order for the Anatomical Board to more fully comply with its statutory duties relating to the keeping of records, each institution which receives bodies under the Board's authority shall, upon receipt of such body, file with the Board's Secretary a copy of the Death Certificate and a copy of the Donor Registration Form or Relative Release Form. Further, each institution which receives executed Donor Registration Forms and bodies under the Board's authority shall file monthly reports with the Board's Secretary giving the name, date of birth or Social Security number, sex, age, date of death, place from which received, and when and from whom received (in the case of a donated body) and a copy of the Donor Registration Form (in the case of a newly registered donors). In addition, each institution shall annually submit to the Board the status of each body, or a copy of the Disinterment-Reinterment Permit or some other documentation indicating final disposition

16. The propriety of any usage of the deceased human body for purposes other than for teaching and research must be approved in advance by the Board.
17. The University of West Virginia 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 guests, 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 University of West Virginia Anatomical Board.

POLICY BULLETIN NUMBER 58
FISCAL NOTE

As filed, it appears that Policy Bulletin Number 58 does not have any fiscal impact upon the University System.

OFFICE OF THE SECRETARY OF EDUCATION
AND THE ARTS

1018 KANAWHA BOULEVARD, EAST
Suite 700
CHARLESTON, WEST VIRGINIA 25301
TELEPHONE 304 348-2440

M E M O R A D U M

TO: Tony Serreno
FROM: Dave Mohr *DM*
RE: Approval of Agency Rules
DATE: January 16, 1991

As you know, WV Code §5F-2-2 requires "consent" of the department secretary before an agency under the department can lawfully promulgate a rule. Approval of the Secretary of Education and the Arts is also required for Board of Trustees' and Board of Directors' rules under WV CODE §18B-1-5.

Bob Wilkerson, Counsel, Secretary of State's Office, advised me that in the absence of a department secretary, a letter of consent from the Governor's office, or a letter designating a person with consent authority, would be sufficient, but the process would not be completed without such a consent letter.

Tom Heywood, Senior Executive Assistant, Governor's Office, suggested that I continue to review Department of Education and the Arts rules and prepare consent letters for his signature.

I have recently reviewed the following two Board of Trustees' rules that were filed in the Secretary of State's office without the required consent letters:

- (1) Title 128, Series 54, Capitol Project Management; and
- (2) Title 128, Series 58, Anatomical Board.

I have drafted the appropriate letters for Tom Heywood's signature.

Since I did not have an opportunity to review these rules prior to their being filed, I submit the following as comments:

- (1) Both rules appear to be procedural rather than

Tony Serreno
January 15, 1991
Page 2

interpretive, in that they generally set forth the internal procedures and requirements for managing capital projects and governing the Anatomical Board.

(2) The Anatomical Board rule §6 outlines the treatment of rules adopted by the Anatomical Board. These rules will be made a part of the Board of Trustees' rule. Since there are no separate Anatomical Board rules on files in the Secretary of State's office, I assume this is the past practice. Subsequent amendments of the Anatomical Board rules will then require the Board of Trustees to also amend its rule, with appropriate filings and a comment period, since these administrative procedures are not conducted at the Anatomical Board level. I raise this point only because it was unclear from the "inclusion as Appendix A" language in §6.3 that a refiling by the Trustees was intended, and because appropriate filings and a comment period are required for every grant of rule-making authority.

cc: Chancellor Manning
John Thralls
Jo Ann Raines
Bob Wilkerson

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

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STATE OF WEST VIRGINIA

SECRETARY OF STATE

Charleston 25305

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Director, Corporations

SHEREE COHEN
Special Assistant

(Plus all the volunteer
help we can get)

TO: Jo Ann Raines

AGENCY: University of West Virginia Board of Trustees

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: March 19, 1992

THE ATTACHED RULE RECENTLY FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 58 TITLE: ~~Policy Regarding the Establishment of the Board of Regents Anatomical Board~~
Trustees

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: Jo Ann Raines

TITLE OF PERSON SIGNING: P 70 / Hospital Relations

DATE: May 1, 1992

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STATE OF WEST VIRGINIA



STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON 25305

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

GASTON CAPERTON
GOVERNOR

January 15, 1991

The Honorable Ken Hechler
Secretary of State
Main Capitol Building
Charleston, West Virginia 25305

Dear Mr. Secretary:

In the absence of a Secretary of Education and the Arts, I hereby grant consent, pursuant WV Code §5F-2-2, to the promulgation of the following rules by the University of West Virginia Board of Trustees:

- (1) Title 128, Series 54, Capital Project Management; and
- (2) Title 128, Series 58, Anatomical Board.

Since these rules have already been received by your office and placed on comment, I have not attached a copy to this letter.

Very truly yours,

A handwritten signature in cursive script that reads "Thomas R. Heywood".

Tom Heywood
Senior Executive Assistant
Governor's Office

TH:lls

cc: Chancellor Manning
Dr. John Thralls