



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE EXEMPT, INTERPRETIVE OR PROCEDURAL
RULE**

AGENCY: Higher Education Policy Commission

TITLE-SERIES: 133-33

RULE TYPE: Interpretive Amendment to Existing Rule: Yes Repeal of existing rule: Yes

RULE NAME: Anatomical Board

CITE STATUTORY AUTHORITY: 18B-1-6

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

January 21, 2018

**TITLE 133
INTERPRETIVE RULE
WEST VIRGINIA HIGHER EDUCATION POLICY COMMISSION**

**SERIES 33
ANATOMICAL BOARD**

§133-33-1. General.

1.1. Scope. -- This rule establishes the government and operations of the West Virginia Higher Education Policy Commission Anatomical Board.

1.2. Authority. -- West Virginia Code §18B-1-6, §18B-4-8.

1.3. Filing Date. -- December 21, 2017.

1.4. Effective Date. -- January 21, 2018.

1.5. Repeal of Former Rule. -- Repeals and Replaces Title 133, Series 33, dated September 6, 2002.

§133-33-2. Purpose.

2.1. The West Virginia Anatomical Board (Anatomical Board) is established for receiving, recordkeeping and making disposition of dead human bodies for the scientific and educational uses and purposes of higher education institutions within the state and elsewhere.

2.2. The Anatomical Board shall operate consistent with the Revised Anatomical Gift Act (West Virginia Code §16-19-1).

§133-33-3. Appointments of Members.

3.1. The Anatomical Board shall consist of the following four members or their designees: (1) the dean of the West Virginia University School of Dentistry; (2) the dean of the West Virginia University School of Medicine; (3) the dean of the Marshall University School of Medicine; and (4) the dean of the West Virginia School of Osteopathic Medicine.

§133-33-4. Compensation of Board Members.

4.1. All members of the Anatomical Board 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.

§133-33-5. Budget.

5.1. The Anatomical Board shall have no budget and, therefore, shall receive no direct allocation of state funds because its functions are financed by the state's medical and dental schools as an element of their educational expense.

5.2. Marshall University, West Virginia School of Osteopathic Medicine, and West Virginia University each currently operate a Human Gift Registry subject to the Administrative Guidelines of the

Anatomical Board. These registries shall be financed as an educational expense of each medical and/or dental school.

§133-33-6. Administration and Operations.

6.1. The Chancellor of the West Virginia Higher Education Policy Commission (Commission) oversees the administration of the Anatomical Board.

6.2. The Anatomical Board shall have the authority to appoint such officers and agents as may be necessary to carry out its operations. The chairperson of the Anatomical Board (the Chairperson), the administrative staff of the Anatomical Board, and location of the administrative office shall be reviewed at each annual meeting.

6.3. The Anatomical Board shall adopt and transmit to the Commission its Administrative Guidelines. By enacting this rule, the Commission specifically adopts, as its own, the Administrative Guidelines of the Anatomical Board.

6.4. The Administrative Guidelines of the Anatomical Board may be amended by the Anatomical Board. When such changes are made, however, the revised Administrative Guidelines shall be forwarded to the Commission.

6.5. The Anatomical Board is charged under West Virginia Code §18B-4-8 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.

6.6. Each institution which receives bodies under the Anatomical Board's authority shall, upon receipt of such body, file with the Anatomical Board a copy of the Death Certificate and a copy of the Donor Registration Form or Relative Release Form. Each institution in possession of bodies under the Anatomical Board's authority shall annually submit to the Anatomical Board the status of each body.

§133-33-7. Reporting Requirements.

7.1. 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 Commission. The minutes should include a report of major actions taken, issues discussed, transactions accomplished, and recommendations requiring action by the Commission.