

JAN 24 2022

Approved

REQUEST FOR AGENDA PLACEMENT FORM

Submission Deadline - Tuesday, 12:00 PM before Court Dates

SUBMITTED BY: Bill Moore
TODAY'S DATE: January 14, 2022

DEPARTMENT: County Attorney

SIGNATURE OF DEPARTMENT HEAD:

REQUESTED AGENDA DATE: January 24, 2022

SPECIFIC AGENDA WORDING: Consideration of Terms, Conditions, and Procedures Relating to Disposition of Indigent and Unclaimed Decedents Between Johnson County and University of North Texas Health Science Center.

PERSON(S) TO PRESENT ITEM: Bill Moore

SUPPORT MATERIAL: (Must enclose supporting documentation)

TIME: 5 minutes	ACTION ITEM: <u> x </u>
	WORKSHOP: _____
(Anticipated number of minutes needed to discuss item)	CONSENT: _____
	EXECUTIVE: _____

STAFF NOTICE:

COUNTY ATTORNEY: _____	IT DEPARTMENT: _____
AUDITOR: _____	PURCHASING DEPARTMENT: _____
PERSONNEL: _____	PUBLIC WORKS: _____
BUDGET COORDINATOR: _____	OTHER: _____

*****This Section to be Completed by County Judge's Office*****

ASSIGNED AGENDA DATE: _____

REQUEST RECEIVED BY COUNTY JUDGE'S OFFICE _____

COURT MEMBER APPROVAL _____ Date _____

**TERMS, CONDITIONS AND PROCEDURES RELATING TO DISPOSITION
OF INDIGENT AND UNCLAIMED DECEDENTS**

Between
JOHNSON COUNTY
And
UNIVERSITY OF NORTH TEXAS HEALTH
SCIENCE CENTER

RECITALS

- An interlocal agreement was heretofore entered into by and between Johnson County ("County") and The University of North Texas Health Science Center (UNTHSC") for the disposition of bodies of deceased paupers.
- The interlocal agreement contemplated that the County and UNTHSC would provide for the manner and means for receipt and handling of the body of a deceased pauper by UNTHSC by a separate document.
- This document governs the terms and conditions for receipt and handling of the body of a deceased pauper by UNTHSC.
- This process may be modified by mutual agreement from time to time as the parties determine to be consistent with the Texas Health and Safety Code, and to meet the purpose, intent and needs of the County and UNTHSC.

POLICY

It is the policy of Johnson County Commissioners Court as authorized under TEXAS HEALTH AND SAFETY CODE, §694.002, TEXAS LOCAL GOVERNMENT CODE, §81.027, and other applicable statutes, to provide for the disposition of remains of qualifying indigent persons in Johnson County (County), by allowing for donation of eligible decedents under §694.002 to University of North Texas Health Science Center (UNTHSC).

ELIGIBILITY CRITERIA

An eligible deceased must be a resident of Johnson County and there are absolutely no resources from the estate or from family members to cover the cost of disposition, and is not a person subject to the provisions of Chapter 49, TEXAS CODE OF CRIMINAL PROCEDURE.

PROCEDURE

1. Subject to and consistent with the provisions of Chapter 49 TEXAS CODE OF CRIMINAL PROCEDURE, the UNTHSC Willed Body Program (UNTHSC) will be the first point of contact to determine the disposition of indigent deceased Johnson County residents after due diligence has been conducted by UNTHSC to assure that no deceased is subject to the provisions of Chapter 49, TEXAS CODE OF CRIMINAL

PROCEDURE. UNTHSC will work with the office of the Johnson County Medical Examiner to accomplish this due diligence. UNTHSC staff will be available 24 hours a day to accept calls and make removals when necessary.

2. Subject to the provisions of these procedures, the County will donate to UNTHSC an eligible decedent if he/she:
 - a. left no person authorized to make the disposition election decision under Texas Health and Safety Code §711.002;
 - b. is determined to be indigent; and
 - c. is not known to have practiced a religious custom that otherwise governs the manner of disposition.
3. UNTHSC will exercise diligent efforts to ascertain whether the deceased practiced any religious custom that otherwise governs the manner of disposition and consider the religious affiliation of the deceased individual to determine if any known canons, practices, or beliefs of such religion oppose, or would be undermined by, accepting such deceased body to its medical facility or an eventual cremation.
4. UNTHSC will exercise diligent efforts to ascertain the identities, if any, of any next of kin of the deceased, including the existence of any person listed under TEXAS HEALTH & SAFETY CODE §711.002(a).
5. UNTHSC will make contact with any of the following persons, in the priority listed below, who will have the right to control the disposition, including cremation or donation to UNTHSC of the decedent's remains, or who shall inter the remains and be liable for the reasonable cost of interment:
 - (a) person designated in a written instrument signed by the deceased;
 - (b) surviving spouse of deceased;
 - (c) surviving adult child of the deceased;
 - (d) surviving parent of the deceased;
 - (e) surviving adult sibling of the deceased;
 - (f) a duly qualified executor or administrator of the deceased's estate; or
 - (g) adult person in the next degree of kinship in the order named by law to inherit the estate of the deceased.
6. UNTHSC will determine if deceased was indigent and discuss TEXAS HEALTH & SAFETY CODE §711.002 disposition options with families including cremation, donation or burial, and factors bearing on these options such as age of deceased, religion, veteran status, etc.
7. If the §711.002 authorized person fails to make final arrangements or appoint another person to make final arrangements for disposition of the deceased before the earlier of 6 days after receiving notice of decedent's death or by the 10th day after the decedent's death the authorized person is presumed to be unable or unwilling to control the disposition and his/her right to control the disposition is passed to any other person in the same statutory priority class under §711.002(a), or if none, to the next priority class listed in §711.002(a).

8. UNTHSC will inform those families who reject the option of donation to medical research that they have a cremation option at Johnson County's expense without return of the ashes to the family. Cremation will be arranged and handled by UNTHSC at the cost to Johnson County of \$300 per cremation.
9. If deceased was 17 years of age or younger, the only option discussed will be cremation with ashes being return to the family and UNTHSC will provide to the deceased family an acknowledgment that the deceased will not be used for medical training or research purposes, but will only be cremated with ashes returned to the family.
10. If the decedent's family has religious objections to cremation or donation to UNTHSC, UNTHSC will refer them to a funeral home that accommodates their religious beliefs and customs for the family to make their own arrangements.
11. UNTHSC will discuss with families the options of the Willed Body Program for those decedents not otherwise excluded by age or religion. UNTHSC will explain that if donation to the Willed Body Program for medical research is chosen, there is no cost to the family. After medical studies are complete and the deceased is cremated, the ashes will be returned to the family, if wanted. In addition, UNTHSC will discuss with the family disposition options for the deceased's ashes. Those options include the return of ashes to the family, burial of ashes at DFW National Cemetery for qualifying veterans, or burial (spreading of ashes) at sea, with each option at no cost to the donor's family.
12. UNTHSC will prepare and submit to the County the necessary paperwork for acceptance by UNTHSC as required by Texas State Anatomical Board and *Texas Health and Safety Code*.
13. UNTHSC will provide County with notice of non-acceptance of donated deceased within 30 days of removal.
 - a. At the first of each month, UNTHSC will furnish to the County. a listing of each deceased accepted by UNTHSC for medical education or research; a listing of each deceased not accepted by UNTHSC for medical education or research;
 - b. an invoice listing each cremation performed that month and reflecting whether the family elected donation directly, or if the body was not useable to UNTHSC for donation and thus cremated;
 - c. a death certificate;
 - d. cremation certificate if a death certificate cannot be obtained for fetal remains weighing less than 350 grams, or if the weight is unknown, a
14. If a death certificate cannot be obtained for fetal remains weighing less than 350 grams, or if the weight is unknown, a fetus aged 20 weeks or less as calculated pursuant to 25 Texas Administrative Code § 181.7, UNTHSC will furnish to the County a document certifying a death certificate was not mandatory and could not be obtained for the fetal remains. The document shall state the specific reason a death certificate was not mandatory and detail any efforts to obtain a fetal death certificate. This document shall be considered an "other death record" under Health and Safety Code § 716.051(2).

15. For each cost of cremation owed by the County, UNTHSC will provide an explanation as to the reason for cremation (e.g., unsuitable for medical education or research by UNTHSC, etc.).
16. If a family agreed to donation but the donor was unsuitable to UNTHSC for medical education or research purposes, UNTHSC will cremate and return ashes to the donor family at no charge to the county.
17. UNTHSC will handle the decedent in compliance with applicable laws and established Texas State Anatomical Board policies and procedures and will at all times handle the decedent in keeping with acceptable standards of healthcare practice, dignity and respect, including in the manner and means of disposition of any remains.

Agreed this 24 day of January, 2022.

COUNTY OF JOHNSON, TEXAS

THE UNIVERSITY OF NORTH
TEXAS HEALTH SCIENCE CENTER

DocuSigned by:

Judge Roger Harmon

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By: Roger Harmon
Johnson County Judge

DocuSigned by:

Gregory R. Anderson 1/14/2022

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By: Gregory R. Anderson
Executive Vice President for
Finance and Operations