

JOHNSON COUNTY COMMISSIONERS COURT

JAN 25 2022



Becky Ivey, County Clerk  
Johnson County Texas  
By md Deputy

RICK BAILEY  
Commissioner Pct. #1

ROGER HARMON  
County Judge

MIKE WHITE  
Commissioner Pct. #3

KENNY HOWELL  
Commissioner Pct. #2

PAULA REID  
Assistant to Commissioner's Court

LARRY WOOLLEY  
Commissioner Pct. #4

STATE OF TEXAS

§  
§  
§

ORDER # 2022-04

COUNTY OF JOHNSON

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**SECOND AMENDED RULES TO PROVIDE FOR THE DISPOSITION OF THE  
BODY OF A DECEASED PAUPER PURSUANT TO SECTION 694.002 OF THE  
HEALTH AND SAFETY CODE**

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The Johnson County Commissioners Court met on January 24, 2022 in regular session for the purpose of amending the rules to provide for the disposition of the body of a deceased pauper pursuant to section 694.002 of the Health and Safety Code and to replace Order #2021-97 that was approved December 13, 2021.

A motion was made by Commissioner White, Pct. #3 and seconded by Commissioner Howell, Pct. #2 to amend the rules to provide for the disposition of the body of a deceased pauper pursuant to section 694.002 of the Health and Safety Code as set forth on Exhibit A and Exhibit B attached hereto and incorporated as if set forth verbatim and to replace Order #2021-97 that was approved on December 13, 2021.

**NOW THEREFORE BE IT RESOLVED AND ORDERED:**

**The Commissioners Court of Johnson County, Texas does hereby amend the rules to provide for the disposition of the body of a deceased pauper pursuant to section 694.002 of the Health and Safety Code as set forth on Exhibit A and Exhibit B attached hereto and incorporated as if set forth verbatim and to replace Order #2021-97 that was approved December 13, 2021 with this Order.**

WITNESS OUR HAND THIS THE 24<sup>th</sup> DAY OF JANUARY, 2022.



**Roger Harmon, Johnson County Judge**

Voted:  yes,  no,  abstained

\_\_\_\_\_

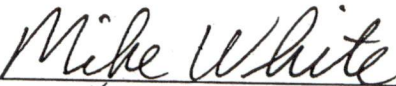
**Rick Bailey, Comm. Pct. #1**

Voted:  yes,  no,  abstained



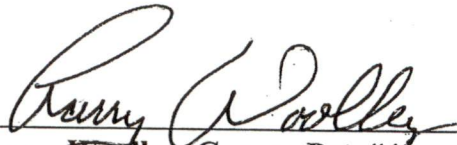
**Kenny Howell, Comm. Pct. #2**

Voted:  yes,  no,  abstained



**Mike White, Comm. Pct. #3**

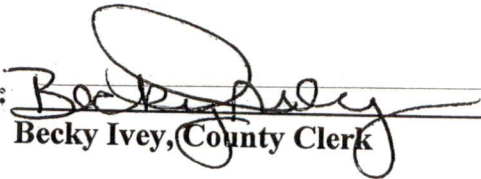
Voted:  yes,  no,  abstained



**Larry Woolley, Comm. Pct. #4**

Voted:  yes,  no,  abstained

ATTEST:

  
**Becky Ivey, County Clerk**



**EXHIBIT A**  
**SECOND AMENDED RULES OF JOHNSON COUNTY, TEXAS FOR THE**  
**DISPOSITION**  
**OF THE BODY A DECEASED PAUPER PURSUANT TO SECTION**  
**694.002 OF THE HEALTH AND SAFETY CODE**

1. If a deceased pauper in the possession of Johnson County is not immediately claimed for burial, Johnson County shall notify the State Anatomical Board pursuant to Texas Health and Safety Code § 691.023. If the Board does not request possession of the deceased pauper, Johnson County shall dispose of the deceased pauper in accordance with the rules below.
2. Johnson County has entered into an Interlocal Agreement with the University of North Texas Health Science Center (hereinafter referred to as "Health Science Center") for the disposition of bodies of deceased paupers.
3. The Health Science Center will perform cremation on bodies of deceased paupers donated by Johnson County and accepted by the Health Science Center for its programs at no charge to Johnson County or the pauper's family, with the ashes being returned to the pauper's family. In the event that the pauper's family objects to the use of the body for medical training, or in the event that the body cannot be used for medical training, Johnson County shall arrange for the body to be cremated and the ashes returned to the pauper's family. Any fee for cremation will be paid by Johnson County. Johnson County may contract with Health Science Center or any other entity for cremation services.
4. Johnson County will contact the Health Science Center to determine if a deceased pauper is eligible for disposition in accordance with the procedures established in Exhibit B. If the deceased pauper is determined to be ineligible, or if either party is unwilling or unable to dispose of the deceased pauper in accordance with Exhibit B, Johnson County will follow the procedure set forth below.
5. The following persons, in the priority listed have the right to provide information, including the religious affiliation of the deceased pauper, to Johnson County regarding the disposition of the body of a deceased pauper:
  - a. the person designated in a written instrument signed by the decedent;
  - b. the decedent's surviving spouse;
  - c. any one of the decedent's surviving adult children;
  - d. either one of the decedent's surviving parents;
  - e. any one of the decedent's surviving adult siblings; or
  - f. any adult person in the next degree of kinship in the order named by law to inherit the estate of the decedent.
4. Any information, including the religious affiliation of the deceased pauper, shall be submitted in writing to the County Judge of Johnson County located in the Johnson County Courthouse, 2 North Main Street, Cleburne, Texas 76033.
5. In the event that there is an objection to cremation by a person in the priority listed above in number 2, the Commissioners Court shall consider that person's objection to the cremation, although the final decision as to the disposition of the body of the deceased pauper is a matter for the commissioners court to determine.

6. The County Judge shall provide a written statement of the costs of cremation and the costs of burial to the person objecting to the cremation.
7. The commissioners court will authorize disposition of the body of the deceased pauper by burial if the person objecting to the cremation, another relative of the deceased pauper, or any other interested party submits a donation to Johnson County for all costs associated with the burial of the deceased pauper that exceeds the cost of a cremation and provides the County Judge with a receipt showing payment. Said payment must be made to the Johnson County Treasurer located in the Johnson County Courthouse, 2 North Main Street, Cleburne, Texas 76033.
8. In order to expedite the disposition of the body of a deceased pauper, the commissioners court authorizes the County Judge of Johnson County to administer the Rules Of Johnson County, Texas For The Disposition Of The Body Of A Deceased Pauper; however, the County Judge may have the commissioners court consider any matter related to the disposition of the body of a deceased pauper he deems appropriate.
9. If a donation is received by the County Treasurer for the purposes of paying expenses for the burial of a deceased pauper, the commissioners court will consider said donation pursuant to section 81.032 of the Local Government Code, at a subsequent commissioners court meeting.
10. The disposition of the body of an unidentified pauper will be by burial as Section 716.101 of the Health and Safety Code prohibits a crematory establishment from accepting for cremation unidentified human remains.

**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 Willied 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 §71 1.002(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 10<sup>th</sup> 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 §71 1.002(a), or if none, to the next priority class listed in §71 1.002(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*  
0E3A8F28CA1749B

By: Roger Harmon  
Johnson County Judge

DocuSigned by:  
*Gregory R. Anderson* 1/14/2022  
6B721ECAD6FD411

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



**REQUEST FOR AGENDA PLACEMENT FORM**

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

**SUBMITTED BY:** Bill Moore

**TODAY'S DATE:** January 14, 2022

COMMISSIONERS COURT

**DEPARTMENT:** County Attorney

JAN 24 2022

**SIGNATURE OF DEPARTMENT HEAD:**

**Approved**

**REQUESTED AGENDA DATE:** January 24, 2022

**SPECIFIC AGENDA WORDING:** Consideration of Order #2022-04, Second Amended Rules to Provide for the Disposition of the Body of a Deceased Pauper Pursuant to Section 694.002 of the Health and Safety Code

**PERSON(S) TO PRESENT ITEM:** Bill Moore

**SUPPORT MATERIAL:** (Must enclose supporting documentation)

**TIME:** 5 minutes

**ACTION ITEM:**     x    

**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:** Medical Examiner

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

ASSIGNED AGENDA DATE: \_\_\_\_\_

REQUEST RECEIVED BY COUNTY JUDGE'S OFFICE \_\_\_\_\_

COURT MEMBER APPROVAL \_\_\_\_\_ Date \_\_\_\_\_