

Chapter 255. Travis County Anatomical Gift Removal Polices & Procedures¹

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255.001 Definitions

- (a) “Anatomical Gift” means a donation of all or part of a human body to take effect after the donor’s death for the purpose of transplantation, therapy, research, or education.
- (b) “Commissioners Court” means the Travis County Commissioners Court.
- (c) “Consent” means any of the following:
 - (1) a signed record, complying with applicable law, by donor, before death, authorizing an anatomical gift; or
 - (2) a signed record stating the signor's name, swearing that the signor’s relationship to the donor gives the signor authority to consent to an anatomical gift, and expressly consenting to the gift’s removal.
- (d) “County” means Travis County, Texas.
- (e) “County Employee” means the medical examiner whether performing county or out-of-county autopsies, any employee of the medical examiner's office, or any other person paid by the county who has access to the county facility.
- (f) “County Facility” means the location where the county performs autopsies or stores dead bodies.
- (g) “Donor” means a deceased individual whose body or part is or may be an anatomical gift. The term includes a still born infant and, subject to restrictions in state law, a fetus.
- (h) “Medical Examiner” means the Travis County Medical Examiner or Deputy Medical Examiner.
- (i) “Medical Examiner's Staff” or means the medical examiner, deputy medical examiner, chief administrative officer, and the medical examiner’s investigators.

¹ Chapter 55 was renamed and replaced 7/19/11, Item #12. Chapter 55 was renumbered as Chapter 255 on June 1, 2018.

- (j) "Person Authorized to Make a Gift" means the following class of individuals, in order of priority, if the donor has not given actual notice of contrary intentions and there is known opposition by a member of the same or higher class:
- (1) the donor's agent at the time of death who could have made an anatomical gift immediately before the decedent's death;
 - (2) the donor's spouse;
 - (3) the donor's adult children;
 - (4) the donor's parents;
 - (5) the donor's adult siblings;
 - (6) the donor's adult grandchildren;
 - (7) the donor's grandparents;
 - (8) an adult that exhibited special care and concern for the donor;
 - (9) anyone acting as the donor's guardian of the person;
 - (10) the hospital administrator; and
 - (11) any other person having the authority to dispose of the decedent's body.
- (k) "Procurement Organization" means any entity authorized by Texas law to collect anatomical gifts.
- (l) "Sign" means, with the present intent to authenticate or adopt a record:
- (1) to execute or adopt a tangible symbol; or
 - (2) to attach to or logically associate with the record an electronic symbol, sound, or process.
- (m) "Tissue" means a portion of the human body other than an organ or an eye. The term does not include blood unless the blood is donated for research or education purposes.

255.002 County Policy Compliance

- (a) Policy Change Notice. The medical examiner's staff shall send procurement organizations a copy of the Travis County Anatomical Gift Removal Policies and Procedures and any amendments to them by certified mail or hand delivery within one (1) business day after the Commissioners Court approves them.
- (b) Compliance Date. The procurement organization shall comply with all county policies and procedures in effect at removal time that relate to removing anatomical gifts. All policies and procedures become effective ten (10) days after the procurement organization receives notice of them.

255.003 Procedures before Removal

- (a) Next-of-Kin Notification. The procurement organization first shall ascertain from the medical examiner whether the next-of-kin has been notified of a decedent's death that falls under medical examiner jurisdiction, unless the procurement agency has before been in touch with the decedent's family in a hospital setting and is certain that the next-of-kin knows of the death. Outside a hospital setting, the procurement agency shall not attempt to supersede law enforcement's role in notifying next-of-kin of the death. At the time the procurement agency is certain that the next-of-kin has been notified of the death, they shall also decide if the decedent is a potential donor and, if so, contact the person authorized to make a gift as section 255.001(j) prescribes.
- (b) Report to Procurement Organization. As soon as reasonably possible, the medical examiner's staff shall give procurement organizations an investigation of death report on all decedents under medical examiner jurisdiction, in order of priority as may be prescribed by law or office practice, if the decedent is an appropriate donor.
- (c) Removal Consent. In all cases, a procurement organization shall provide the medical examiner's staff with consent from the donor or a person authorized to make an anatomical gift. The medical examiner's staff shall keep a copy of the consent for its records. In cases falling under medical examiner jurisdiction, the procurement organization shall request and receive written authorization from the medical examiner before removing an anatomical gift.
- (d) Access to County Facility. County employees shall not permit a procurement organization access to the county facility if it would affect the medical examiner's staff's capacity to perform their duties in an orderly manner. If access would not affect the staff's capacity to perform their duties and functions, the staff shall permit a procurement organization to have access to the facility.

255.004 Policies for County Employees Relevant to All Anatomical Gifts

- (a) Interference with Investigation. County employees shall not permit anyone to remove an anatomical gift if doing so is likely to interfere with an investigation or autopsy.
- (b) Authority to Remove. Only a procurement organization may remove an anatomical gift.
- (c) Policy Compliance. County employees shall not permit a procurement organization that has previously failed to comply with the Travis County Anatomical Gift Policies and Procedures to remove an anatomical gift, unless the Commissioners Court specifically authorizes, through the medical examiner, the organization to do so.

- (d) Authority to Permit Removal. Only the medical examiner's staff may authorize a procurement organization to remove an anatomical gift from a decedent whose death falls under the medical examiner's jurisdiction.
- (h) Identification. The medical examiner's staff shall not permit anyone access to the county facility or permit anyone to remove an anatomical gift unless the person shows the staff identification provided by a procurement organization.

255.005 Policies for Procurement Organizations Relevant to All Anatomical Gifts

- (a) Interference with Investigation. A procurement organization may not remove an anatomical gift if doing so, in the medical examiner's judgment, will interfere with an investigation or autopsy.
- (b) Policy Compliance. A procurement organization may not remove an anatomical gift if it has failed to comply with the Texas Revised Uniform Anatomical Gift Act or the Travis County Anatomical Gift Policies and Procedures.
- (c) Acceptance or Rejection Notice. A procurement organization shall notify the medical examiner's staff as soon as it has accepted or rejected an anatomical gift, and if accepted, make arrangements for an appropriate time and place for removal.
- (d) Consent Review. A procurement organization shall ensure that consent from a donor or a person authorized to make an anatomical gift meets the term's definition.
- (e) Procurement Organization's Responsibility. A procurement organization shall provide personnel to remove the anatomical gift at a referring hospital, to travel to the county facility, to remove the anatomical gift, to assume immediate responsibility for the gift, to transport the gift to the organization's facilities, and to obtain available clinical information.
- (f) Equipment. A procurement organization shall provide all necessary equipment for removing a donor's anatomical gift.
- (g) Pre-Autopsy Removal. If the anatomical gift is one that may be removed before the autopsy is completed, the procurement organization shall take extreme care to avoid areas exhibiting any wound, injury or other identifying characteristics on the donor, and the organization shall provide photographs and a brief written summary of the material taken, its location and condition and attach the summary to the donor.

255.006 Post-Removal Procedures Applicable to All Removals

- (a) Reconstruction of Donor. The procurement organization shall reconstruct the donor after the removing the gift.
- (b) Clean-up County Facility. If the procurement organization uses the county facility, the organization shall remove any disorder caused by the gift removal

or evidence of the gift removal so that the county facility is in an appropriate, clean condition when the organization leaves it.

- (c) Sole Responsibility. The procurement organization shall be solely responsible for any gift that it removes.
- (d) Maintenance of Records. The medical examiner's staff shall keep anatomical gift consent with the donor's autopsy file.

255.008 Interpretation Guidelines

- (a) Law. These policies and procedures are governed by Texas law.
- (b) Severability. If any portion of these policies and procedures are ruled invalid by a court of competent jurisdiction, the remainder of them shall remain valid and binding.
- (c) Computation of Time. When any period of time is stated in these policies and procedures, the time shall be computed to exclude the first day and include the last day of the period. If the last day of any period falls on a Saturday, Sunday or a day that the county has declared a holiday for its employees, these days shall be omitted from the computation.
- (d) Number and Gender. Words of any gender in these policies and procedures shall be construed to include any other gender, and words in either number shall be construed to include the other unless the context in these policies and procedures clearly requires otherwise.
- (e) Headings. The headings of these policies and procedures have been included only to make it easier to locate the subject matter covered by that section or subsection and are not intended to be used in construing them.