

The Anatomical Board of the State of Texas Self-Evaluation Report Instructions



***Presented to the
Sunset Advisory Commission
September 1, 2021***

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The Anatomical Board of the State of Texas Self-Evaluation Report

I. Agency Contact Information

A. Please fill in the following chart.

(Agency Name)
Exhibit 1: Agency Contacts

	Name	Address	Telephone & Fax Numbers	Email Address
Agency Head	John K Hubbard, PhD, PT	Texas A&M University College of Medicine 2209 MREB Annex 8447 Riverside Pkwy. Bryan, TX 77807	(979) 436-0789 (979) 436-0086 (fax)	jkhubbard@tamu.edu
Agency's Sunset Liaison	John K Hubbard, PhD, PT	Texas A&M University College of Medicine 2209 MREB Annex 8447 Riverside Pkwy. Bryan, TX 77807	(979) 436-0789 (979) 436-0086 (fax)	jkhubbard@tamu.edu

Table 1 Exhibit 1 Agency Contacts

II. Key Functions and Performance

Provide the following information about the overall operations of your agency. More detailed information about individual programs will be requested in Section VII.

A. Provide an overview of your agency's mission, objectives, and key functions.

The **mission** of the Anatomical Board of the State of Texas (SAB) is to facilitate the distribution of deceased human remains for the purpose of teaching and research. In doing so, the Board protects the interests of donors and their families by assuring that only authorized educational and medical institutions receive human remains, and that those remains are treated with dignity and respect.

The **primary objective** of the SAB is to make rules to ensure that the donated bodies in the custody of the board, or institutions represented on the board, or those institutions approved to receive donors by the board are treated with the respect and dignity that their donations merit. These institutions include not only educational and research institutions, but non-transplant tissue banks, health care skill training facilities, forensic science institutions and search and rescue training facilities. The **secondary objective** of the SAB is to equitably distribute the donated bodies to medical, dental, osteopathic, and chiropractic schools or others authorized to receive donor bodies, with priority going to bodies needed for the education (lectures and demonstrations) of our future and current health care practitioners.

The **key functions** of the SAB include:

- 1) Implementing the provisions and regulations set forth in Chapters 691 and 692A of the Texas Health and Safety Code, and the stipulations of Title 25, Part 4 of the Texas Administrative Code pertaining to the acquisition, registration, transfer, usage, and final disposition of human anatomical materials.
- 2) Inspection and approval of all facilities utilizing donor bodies or anatomical specimens acquired from these donor bodies for compliance with standards established by the Board.
- 3) Recording the receipt of and transfer of human body donations to the Willed Body Programs within the State of Texas.
- 4) Distribution of surplus cadavers among member institutions based on educational and scientific needs.
- 5) Approval of the transportation of cadavers and/or body parts within and outside of the State of Texas.
- 6) Addressing complaints received from the public sector and/or member institutions regarding the use of cadavers or body parts and resolution of such issues based on the rules and regulations adopted by the board and in accordance with state law.

B. Do your key functions continue to serve a clear and ongoing objective? Explain why each of these functions is still needed?

The SAB provides assurance to the citizens of the State of Texas that all facilities meet and maintain SAB standards as outlined in state statutes and administrative code, and that proper and complete records related to donated human bodies are maintained by all Willed Body Programs (WBP) operating within the State. The SAB regulates the transfer of the donor bodies amongst the educational institutions, research institutions, and skill training facilities within the State to ensure that all their individual stated needs for bodies are met with a top priority for the educational activities of our health care students and professionals. Transportation of donor bodies within the State is overseen and regulated by the SAB ensuring that all facilities (whether they are public or private facilities) transport these individuals appropriately, and with licensed individuals. The SAB also deals with any complaints received from the public sector thus sparing the state legislative and legal system the time and expense of investigating and resolving issues that the SAB can do. In 2020 through mid-2021, the SAB registered and distributed approximately 5,330 donated bodies to 101 different Texas institutions, all without any registered complaints.

With the development of commercial willed body programs (operating as “non-transplant tissue banks”) who solicit whole body donations and sell them to other entities within and outside of the State of Texas for a profit, the Anatomical Board of the State of Texas is the only state agency charged with and able to ensure that these activities do not occur without regulatory oversight within our state. There is no other agency able to implement and ensure that the provisions set forth by Chapters 691 and 692A of the Texas Health and Safety code and the stipulations of the Title 25, Part 4 of the Texas Administrative code are adhered to.

C. What, if any, functions does your agency perform that are no longer serving a clear and ongoing purpose? Which agency functions could be eliminated?

None of the current functions of The Anatomical Board of the State of Texas can be eliminated without causing public distrust and damaging the Willied Body Programs that are so essential to our educational and research endeavors. None of the functions of the Anatomical Board of the State of Texas can or ought to be eliminated, as doing so would remove the only regulatory oversight of the donation of human bodies for educational and scientific purposes within this state. Elimination of the SAB would allow those entities who operate whole body donation facilities for commercial purposes to operate without any federal or state regulations.

D. Does your agency's enabling law continue to correctly reflect your mission, objectives, and approach to performing your functions?

Chapters 691 and 692A of the Texas Health and Safety Code and Title 25, Part 4 of the Texas Administrative Code generally reflect the mission, objectives, and approach to performing our designated functions. These prevailing statutes are out-of-date and need to be revised. The Anatomical Board has prepared revisions for consideration in the next legislative session. Please refer to Section H for specific obstacles in these statutes that may need to be improved.

E. Have you previously recommended changes to the Legislature to improve your agency's operations? If so, briefly explain the recommended changes, whether or not they were adopted, and if adopted, when.

Several changes have been made over the past several years to Section 25 Title 4 of the Texas Administrative Code in recent years to improve the operational efficiency of the SAB. Legislative changes to THSC 691 and 692A were recommended and presented to the Sunset Review Commission and individual legislators during the 2019-2020 review cycle, but none of the recommended changes were put forth in proposed legislative bills. As such, there have been no Legislative or statutory changes to improve the SAB's operations since the last Sunset Review revisions which occurred in 1984.

F. Do any of your agency's functions overlap or duplicate those of another local, state, or federal agency? Explain if, and why, each of your key functions is most appropriately placed within your agency. How do you ensure against duplication with other related agencies?

There is no duplication of agency functions with any other state or federal agency. The Anatomical Board of the State of Texas is the only state agency charged with overseeing and regulating willied body donation programs as well as ensuring that the donor bodies only go to approved institutions and facilities (Chapter 691 of the Texas Health and Safety Code). The donation of tissue for transplant or therapy is a part of the Anatomical Practice Act but is also regulated under the Revised Uniform Anatomical Gift act (Chapter 692A of the Texas Health and Safety Code). Additionally, there are no federal agencies overlapping or duplicating the functions of the Anatomical Board.

G. In general, how do other states carry out similar functions?

Numerous other states (AL, CA, CO, FL, IL, IN, LA, MA, MD, MI, NE, NC, NV, NM, OH, OK, PA, UT, VA) have anatomical boards with similar functions and a similar primary duty to regulate the donation and distribution of willed body donors to appropriate educational and research institutions. The composition and funding of the boards differs with each state, but the mission of each of these agencies is fairly uniform in the scope of their service. The Oklahoma and Illinois State Anatomical Boards are similar in function to our SAB. The Maryland Anatomical Board operates a central receiving and distribution center for all anatomical donations within that state. The California Anatomical Board oversees all donations made through the University of California system and includes a few private medical institutions under its purview.

H. What key obstacles impair your agency's ability to achieve its objectives?

The Anatomical Board of the State of Texas has no state budget allocation, no central agency office, and no employees. All of the duties of the SAB are performed by the board members as mandated in either Chapter 691 of the Texas Health and Safety Code or Title 25 of the Texas Administrative Code. These duties are done by appointed board members on the time, and with the resources allotted to them by their employing educational institutions and their expenses are then reimbursed from the SAB accounts. As an example, the Chair of the board must find the time to contact all board members to schedule meetings, along with finding a suitable place for the meetings to be held. The Chair must also respond to any inquiries of the board and travel wherever board representation is requested or required. The Vice-chair must schedule facility inspections by himself and find additional board members to accompany him on the inspection trips. The Secretary-Treasurer must track down fee payments, reconcile the financial reports, and issue reimbursement checks by himself. There are no administrative resources available to the board to assist the board members in carrying out their delegated duties.

Most other boards in the State of Texas have a paid "Executive Director" or an "Administrative Assistant". There is no language in any of our organizational statutes that allows the SAB to employ such an individual. This restriction has been confirmed by our appointed Office of the Attorney General liaison. At the current time, if the SAB were to employ administrative assistants, secretaries, investigators, or inspectors, it would have to be on an "independent contractor basis, with the funds provided reported via an IRS 1099 form. This has also been confirmed by our appointed Attorney General's Office counsel.

Secondly, as the scope and nature of our medical, osteopathic, dental and chiropractic schools have evolved from independent schools into Health Sciences Centers, eligibility for appointment to the board needs to be re-defined. Section 691.002 of the Texas Health and Safety Code should be amended to add "a Health Sciences Center" to the list of entities that can appoint a representative to the board. Additionally, this section states that the representative must be a professor of surgery or of basic anatomical sciences associated with that institution. This has created problems for some of our institutions where the designated representative was employed by the health sciences center, but not by the actual medical, dental, osteopathic, or chiropractic school.

Thirdly, since the last revision of Chapter 691 of the Texas Health and Safety code in 1984, there has been a proliferation of graduate level allied health, forensic programs, and healthcare skill training services that have been allowed to utilize donated bodies and/or anatomical specimens for their educational needs utilizing the human cadavers provided by member institutions of the SAB. Due to the restrictions of THSC 691, there is no public representation on the Anatomical Board, nor is there any representation from public or private entity that is not specifically a medical, dental, osteopathic, or chiropractic school. These programs have never had representation on the SAB, although the forensic science programs have been allowed to have their own autonomous willed body donation programs. It may be appropriate at this time to allow representation on the SAB from a forensic science program and a graduate level allied health program, or from the public sector.

Finally, there is also some vague and confusing language in Title 25, Part 4 Chapter 479.1 of the Texas Administrative Code defining institutions authorized to receive and hold bodies. This section does not specifically exclude commercial for-profit willed body programs operating as “non-transplant tissue banks” from receiving and holding bodies. Even though they are not affiliated with any of the approved institutions or organizations, these organizations feel that since they are not specifically excluded, that they are entitled to do so. It would be appropriate to add more definitive and strongly worded language to both the Texas Health and Safety Code and the Texas Administrative Code clearly defining whether these “Non-transplant tissue Banks” operating whole body donation centers would be allowed to operate within the State of Texas.

I. Discuss any changes that could impact your agency’s key functions in the near future (e.g., changes in federal law or outstanding court cases).

The major change that could impair the ability of the Anatomical Board of the State of Texas to perform its designated functions would be the introduction of commercial willed body programs operating as “Non-transplant Tissue Banks” into the State of Texas. Currently, there is a request from one of these entities (Science Care) to open a willed body donation and processing facility within the state under the regulatory jurisdiction of the SAB. As the SAB currently has no funding, no investigative, and no enforcement division, and all board members serve voluntary two-year terms, along with their primary job responsibilities at various medical, dental, osteopathic, or chiropractic schools within the state, it would be virtually impossible for the members of the SAB to oversee the activities of any commercial entity. The SAB is simply unable to inspect this diverse number of facilities and cannot assure the citizens of this state that all the entities these bodies are being sold to have been inspected, are appropriate facilities, and have been approved to receive willed body donations.

Additionally, the SAB is not equipped to regulate the business transactions of such companies to ensure that they are not charging more than their direct expenses in receiving and processing the donor bodies as is currently allowed by Chapter 691 and 692A of the Texas Health and Safety Code. There was a request sent to the State of Texas Attorney General’s office to provide an official opinion on the legality of commercial willed body companies to solicit and receive willed body donations, then sell them for a profit throughout the United States and into 50 different foreign countries. The Texas Attorney General issued an opinion (*December 2019*) stating that companies such as Science Care would be allowed to operate this type of business within the State of Texas, so long as they operated under the jurisdiction and oversight of the SAB. To properly provide the jurisdictional oversight required the SAB needs legislative

funding and hiring authority to employ individuals to inspect and approve these facilities, as well as funding its enforcement activities.

J. Aside from additional staff or funding, what are your agency's biggest opportunities for improvement in the future? For example, are there other programs or duties the agency could take on to better carry out its mission?

The Anatomical Board of the State of Texas is committed to its mission to protect the public through the establishment of appropriate registration of all willed body donations and transfers, as well as inspecting and approving facilities to hold these donor individuals and perform cadaveric dissection for education of our health care students with impartial oversight and discipline of unethical providers. The agency works with its state and national partners to keep up with any changes in the anatomical sciences. The board has taken significant steps toward improving the efficiencies of its operations, including developing an operations policy and procedure manual, developing new inspection standards, instructional manual and forms, updating and computerizing its forms and applications, revising the inspection schedule, reviewing and revising the fee schedule, and revising its administrative code as necessary. If resources are available, the board would like to increase its use of technology in performing its body donation registration and transfer processes along with the facility inspection processes. There are currently gaps in the online cadaver transfer request form and processing of fees that allow out-of-state transfer requests to be processed and approved without paying the set fee for these transfers. The SAB has only volunteer workers employed by educational institutions to monitor and regulate the website. Approval of funding to pay an individual who has direct responsibilities to the SAB Secretary-Treasurer would facilitate submission and payment of the proper fee amounts into the board's financial accounts.

K. Overall, how does the agency measure its effectiveness in carrying out its objectives?

The Anatomical Board of the State of Texas measures its effectiveness in 1) the percentage of willed body donation cadavers registered with the board, 2) with meeting the distribution needs of its member institutions, and 3) performing inspections of all facilities who receive, store, or utilize willed body program cadavers for educational or research purposes within the State of Texas.

In the following chart, provide information regarding your agency's key performance measures, including outcome, input, efficiency, and explanatory measures. See Exhibit 2 Example. Please provide both key and non-key performance measures set by the Legislative Budget Board as well as any other performance measures or indicators tracked by the agency. Also, please provide information regarding the methodology used to collect and report the data.

**Anatomical Board of the State of Texas
Exhibit 2: Performance Measures — Fiscal Year 2020**

Key Performance Measures	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Registration of Cadavers	100%	100%	100%
Distribution of Cadavers	100%	100%	100%
Inspection of Anatomical Facilities	100%	100%	100%

Table 2 Exhibit 2 Performance Measures *See Exhibit 3

L. Please list all key datasets your agency maintains and briefly explain why the agency collects them and what the data is used for. Is the agency required by any other state or federal law to collect or maintain these datasets? Please note any “high-value data” the agency collects as defined by Texas Government Code, Section 2054.1265. In addition, please note whether your agency posts those high-value datasets on publically available websites as required by statute, and in what format.

The only key data sets the Anatomical Board of the State of Texas maintains is the online list of cadaver transfers processed by each of our member institutions and the online list of SAB forms detailing each willed body cadaver that is transferred from a member institution to another institution or facility. The actual data sets for receipt and registration of willed body donations are maintained by the individual Willed Body programs themselves, and verified by audits submitted to the SAB.

**Anatomical Board of the State of Texas
Exhibit 3: Key Datasets**

Dataset Name	Description of Data	Data Maintained By	Hyperlink (if publicly available)	Legal Prohibition to Disclosure Y/N
Transfer List	Identifies WBP transfer requests that have been approved	Data entered by administrator of each WBP, maintained by the Web Master	http://sabtexas.com/product/sab-transfer	YES
SAB Registration Forms List	Registration forms for each WBP cadaver received via donation	Data entered by administrator of each WBP, maintained by the Web Master	http://sabtexas.com/add-sab-form	YES

Table 3 Exhibit 3 Key Datasets

III. History and Major Events

Provide a timeline of your agency's history and key events, including

- the date your agency was established;
- the original purpose and responsibilities of your agency; and
- major changes in responsibilities or statutory authority.

Also consider including the following information if beneficial to understanding your agency

- changes to your policymaking body's name or composition;
- significant changes in state/federal legislation, mandates, or funding;
- significant state/federal litigation that specifically affects your agency's operations; and
- key changes in your agency's organization (e.g., the major reorganization of the Health and Human Services Commission and the Department of State Health Services' divisions and program areas, or the Legislature moving the Prescription Monitoring Program from the Department of Public Safety to the Texas State Board of Pharmacy).

The Anatomical Board of the State of Texas was created in 1907 to regulate the distribution of cadavers among institutions who require such material for the advancement of medical science. Originally, the board's only source of cadavers was limited to bodies required to be buried at public expense, or "unclaimed bodies". However, in 1961, the statute was amended to broaden the board's jurisdiction to include bodies "willed" for the purpose of advancing medical science. The primary function of the board was to approve institutions and individuals to receive and use cadavers and ensure that the facilities where such material is used were suitable for that purpose. (Individual physicians were also authorized by statute to receive cadavers but have not done so since the 1940's.) To do this, the board was authorized to 1) approve institutions and facilities for the receipt and use of cadavers, 2) provide for the proper distribution of bodies to the various institutions, and 3) ensure that the bodies will be used in an appropriate manner.

The Anatomical Board was initially composed of two representatives from each established medical, dental, osteopathic and chiropractic school in the State of Texas with no set term lengths. Initially, the board collected fees for the receipt of cadavers from the approved institutions although they had no statutory authority to either set or collect these fees. Although the initial authority of the board was over all the afore mentioned educational institutions, the board only had direct control of the bodies donated to the board itself, not those donated to individual institutions.

Establishment of the board set forth operational and membership guidelines for conducting the business of the board. The Anatomical Board of the State of Texas has no employees and has no budget. All board members are appointed by the CEO or Dean of their respective institution and serve the board on a voluntary basis. The board meets annually to discuss cadaver supply and distribution, and to consider any issues which require the board's approval. Up until 1984, the

board elected from among its members a president, vice-president, and a secretary – treasurer for three-year terms. These three elected officials constitute the executive committee and are authorized to transact all necessary board business between meetings. The secretary-treasurer is responsible for conducting all the routine activities which do not require formal action of the board or its executive committee. This includes the maintenance of records on the supply and distribution of cadavers, and management of the board's funds.

1984 – 85

The Anatomical Board operated in this manner without any major changes until the Sunset Review process in 1984. Following this review, several changes that were recommended were implemented by legislative action in SB 201 during the 69th Legislative Session in 1985. This legislation enacted several changes to the structure and authority of the Anatomical Board of the State of Texas. Highlights of these changes were 1) reducing the number of board members from two to one representative from each school, 2) specified a two-year term of office for both members and officers, 3) gave the board statutory authority to collect fees, 4) made the anatomical board an approved donee under the Anatomic Gift Act, 5) allowed the board to promulgate rules for the transfer of bodies to approved institutions outside the State of Texas, 6) clarified the board's authority to inspect and approve institutions and facilities for the receipt and use of cadavers, 7) authorized the board to revoke authorization of an institution to receive and use cadavers rather than requiring a penalty bond to ensure proper use of cadavers, 8) removed any authority of the Anatomical Board over animal experimentation, and 9) exempted the Anatomical Board from the State Funds Reform Act of 1981 thus allowing the board to continue to deposit its funds into a local bank account under control of the Secretary-Treasurer

1997

The Anatomical Board was subject to a subsequent Sunset Review in 1997, but no record of that review being performed has been found. The board has operated under the provisions of the 1985 reform since that time incorporated into SB 201.

2017 - 2019

Two major changes have occurred since the implementation of SB 201. Due to the opening of several new medical and osteopathic schools within the state, the board has increased its membership from 11-member institutional representatives to 16. The second major change occurred in 2017 as the result of legislative action requiring that the Anatomical Practice Act and the Texas Administrative Code be changed to allow Forensic Science educational programs that had autonomous Willied Body Programs to operate under control of the Anatomical Board and to allow Willied Body Program specimens to be transferred to recognized Search and Rescue organizations for training of S&R dogs and personnel.

Additionally, one significant historical event occurred between 2000 and 2003. This event involved the voluntary cessation of operation of a member institution's Willied Body Program due to improper documentation and transfer of donated bodies and illegal brokering of bodies and body parts. This program remained as a member of the State Anatomical Board, without operating a willied body donation program. The program operated exclusively through cadaver transfers from other member institutions to provide for the anatomical science education for their students. Following several administrative changes, this program applied to the SAB to be allowed to re-open their Willied Body Program in 2017. Following a thorough investigation and

inspection process following the procedures set forth in Chapters 691 of the Texas Health and Safety Code and Title 25, Part 4 of the Texas Administrative Code the members of the anatomical board voted in 2018 to allow the program to re-open its Willed Body Program with the assurance that the program does currently meet all of the standards set forth in the above-mentioned documents.

2019 - 2021

Two major events related to the Anatomical Board of the State of Texas occurred during this time period. The SAB underwent its first Sunset Review process since 1984. Despite overwhelming internal documentation and external support for the continuation of the Anatomical Board as an autonomous state agency, the Sunset Review recommendations to the 87th Legislature was to abolish the SAB as an independent state agency and transfer its duties to the Texas Funeral Services Commission (TFSC). The TFSC would take over all functions of the SAB, and the existing SAB would be modified in composition and structure to would operate as an Anatomical Advisory Committee to the TFSC that would advise the commission on matters related to the regulation and operation of willed body programs in this state

Senate Bill 701 and House Bill 1565, the bills containing the Sunset Commission's statutory recommendation to transfer the Anatomical Board of the State of Texas (SAB) to the Texas Funeral Service Commission, did not pass during the 87th Legislature. Instead, the Legislature passed Senate Bill 713, which continues SAB for two years and places it under Sunset Review again in 2022–23.

Since passage of that bill, the SAB has met to recommend revisions to its structure and internal operations and is currently active undertaking the process of creating an operational policy and procedure manual, creating a facility inspection instruction manual (with a certification process), shortening the cycle of facility inspections, updating the facility inspection applications and requirements, updating and streamlining the registration and transfer fee submission process, changing the fee structure, and employing an administrative assistant, investigator, and facility inspectors on an independent contractor basis. The result of these changes will be to show a marked improvement in the operational efficiency of the SAB and eliminate any possible or potential bias in the facility approval process.

IV. Policymaking Structure

A. Complete the following chart providing information on your policymaking body members.

**Anatomical Board of the State of Texas
Exhibit 4: Policymaking Body**

Member Name	Term / Appointment Dates / Appointed by <i>(e.g., Governor, Lt. Governor, Speaker)</i>	Qualification <i>(e.g., public member, industry representative)</i>	City
Heather Balsiger, M.S.	2-year term June 2021 – June 2023, appointed by the Dean of the TTUHSC Paul Foster School of Medicine	Anatomy Faculty Associate	El Paso, TX
Leonard Cleary, Ph.D.	2-year term June 2021 – June 2023, appointed by the President of the UTHSC - Houston	Professor of Anatomy	Houston, TX
Tom Gest, Ph.D.	2-year term June 2021 – June 2023, appointed by the Dean of the University of Houston College of Medicine	Professor of Anatomy	Houston, TX
Kerry Gilbert, P.T., Sc.D.	2-year term June 2021 – June 2023, appointed by the President and Chancellor of the TTUHSC	Professor of Anatomy	Lubbock, TX
Craig Goodmurphy, Ph.D.	2-year term June 2021 – June 2023, appointed by the Dean of the SHSU College of Osteopathic Medicine	Professor of Anatomy	Huntsville, TX
John Hubbard, Ph.D., P.T. (Chairman)	2-year term June 2021 – June 2023, appointed by the Dean of the Texas A&M University College of Medicine	Associate Professor of Anatomy	Houston, TX
Mathew Kesterke, Ph.D..	2-year term June 2021 – June 2023, appointed by the Dean of the Texas A&M School of Dentistry	Assistant Professor of Anatomy	Dallas, TX
Stephen Luk, M.D. (Secretary / Treasurer)	2-year term June 2021 – June 2023, appointed by the Dean of the UT Southwestern School of Medicine	Professor of Surgery	Dallas, TX
Georgina Pearson, B.Sc., MB	2-year term June 2021 – June 2023, appointed by the CEO of Parker University	Professor of Anatomy	Dallas, TX
Osel Pena, DC	2-year term June 2021 – June 2023, appointed by the CEO of Texas Chiropractic College	Professor of Anatomy	Pasadena, TX

Member Name	Term / Appointment Dates / Appointed by (e.g., Governor, Lt. Governor, Speaker)	Qualification (e.g., public member, industry representative)	City
Omid Rahimi, Ph.D.	2-year term June 2021 – June 2023, appointed by the President of the UTHSC – San Antonio	Professor of Anatomy	San Antonio, TX
Christina Rastellini, M.D.	2-year term June 2021 – June 2023, appointed by the Dean of the UTMB School of Medicine	Professor of Surgery	Galveston, TX
Rustin Reeves, Ph.D. (Vice-Chairman)	2-year term June 2021 – June 2023, appointed by the President of the UNTHSC	Professor of Anatomy	Ft. Worth, TX
Rachel Wallace, Ph.D.	2-year term June 2021 – June 2023, appointed by the Dean of the UT Dell College of Medicine	Assistant Professor of Anatomy	Austin, TX
Earlanda Williams, Ph.D.	2-year term June 2021 – June 2023, appointed by the Dean of the UIW School of Medicine	Associate Professor of Anatomy	San Antonio, TX
Ming Zhang, M.D., Ph.D.	2-year term June 2021 – June 2023, appointed by the Dean of the Baylor College of Medicine	Professor of Anatomy	Houston, TX

Table 4 Exhibit 4 Policymaking Body

B. Describe the primary role and responsibilities of your policymaking body.

The primary role of the members of the Anatomical Board of the State of Texas is to protect the public interest by ensuring proper legal, ethical and moral treatment of all human bodies donated to the willed or whole-body donation programs within the State of Texas. The secondary role of the members of the State Anatomical Board is to actively participate in meetings and committee assignments, and represent each of their respective medical, dental, osteopathic and chiropractic colleges and Willed Body Programs in regulating the registration, transfer, distribution and delivery of donated human bodies to the institutions and individuals authorized by the board to receive them. The SAB members are also responsible for receiving and resolving any complaints related to the Anatomical Board or Willed Body Donation program within the state.

C. How is the chair selected?

An election committee is formed to solicit nominations for the Chair of the SAB, and these nominations are put forth to the board members at its annual meeting in every odd numbered year. The Chair of the Anatomical Board of the State of Texas is elected at the annual meeting in odd numbered years by the membership of the board for a two-year term. A simple majority vote is required for election.

D. List any special circumstances or unique features about your policymaking body or its responsibilities.

The most unique feature of this state agency is that we have no budget, no dedicated agency office, and no employees. All of the members of the board are fully employed by their own individual state or private institutions of higher education and serve their two-year appointed terms at no expense to the State of Texas. Funds from the SAB’s operating budget are used to reimburse the expenses of the members for performing their appointed board duties which come from internal fees registration and transfer fees that are collected from the member institutions.

E. In general, how often does your policymaking body meet? How many times did it meet in FY 2019? In FY 2020? Explain if the policymaking body met in-person or virtually during this time.

The Anatomical Board of the State of Texas meets on an annual basis, generally in late spring or early summer of each year. There are additional special interim meetings called to deal with board issues that cannot wait until the next annual meeting is scheduled. The Executive Committee is also able to meet at times other than the scheduled annual meeting. The meetings of the Anatomical Board of the State of Texas for the past three years are as follows:

DATE	MEETING	LOCATION
June 29, 2018	Annual Meeting	UT Southwestern Medical School – Dallas, TX
Feb. 20, 2019	Executive Committee Meeting	Texas A&M College of Medicine – College Station, TX
May 31, 2019	Annual Meeting	UT Health San Antonio Medical School – San Antonio, TX
Oct. 25, 2019	Called Interim Meeting	UT Health Sciences Center – Houston (McGovern Medical School)
April 17, 2020	Annual Meeting	Texas Tech University Health Sciences Center
April 23, 2020	Sunset Review Committee Meeting	ZOOM Conference Call
April 27, 2020	Sunset Review Committee Meeting	ZOOM Conference Call

May 6, 2020	Sunset Review Committee Meeting	ZOOM Conference Call
Oct. 6, 2020	Governmental Affairs Committee Meeting	ZOOM Conference Call
Mar. 18, 2021	Executive Committee Meeting	ZOOM Conference Call
June 4, 2021	Annual Meeting	Texas A&M University College of Medicine
July 31, 2021	Called Interim Meeting	Sam Houston State University College of Osteopathic Medicine

F. Please list or discuss all the training the members of the agency’s policymaking body receive. How often do members receive this training?

Members of the Anatomical Board of the State of Texas which is subject to the Open Meetings Act (OMA) are required to participate in education training sessions pursuant to section 551.005 of the Texas Government Code. The training requirement applies to all elected or appointed officials who participate in meetings subject to the OMA. The law requires that members subject to the OMA complete training within 90 days of taking the oath of office or otherwise assuming the responsibilities of office. The training includes information regarding the:

1. General background of the legal requirements for open meetings;
2. Applicability of the Open Meetings Act to governmental bodies;
3. Procedures and requirements regarding quorums, notice, and recordkeeping under the OMA;
4. Procedures and requirements for holding an open meeting and for holding a closed meeting under the OMA; and
5. Penalties and other consequences for failure to comply with the OMA.

The training is provided through the Office of the Attorney General’s training video which includes information on each of these elements and satisfies the requirements imposed by section 551.005 of the OMA. All board members obtain a course completion certificate by following the directions at the end of the training video. This completion certificate is maintained by the member’s governmental body and made available for public inspection upon request.

The SAB is in the process of compiling an Operational Policy and Procedure Manual which will be provided to all members. SAB members will be required to attest to knowledge of the SAB’s policies and procedures by completion of a competency exam. The SAB is also in the process of developing a training manual for inspection of facilities. Each board member who will be asked to participate in facility inspection will be required to certify knowledge of inspection standards and processes by completion of a competence exam prior to being able to

perform inspections. These new inspectors will also be assigned to shadow certified inspectors on a minimum of two facility inspections prior to receiving an independent facility inspection assignment.

G. What information is regularly presented to your policymaking body to keep them informed about the agency's operations and performance?

The following information is regularly presented to all board members prior to and during the annual meeting:

- Introduction of new members
- Presentation and approval of meeting minutes
- Board Chairman's general remarks related to activities pertinent to the board
- Opportunity for public comment
- Report from the Secretary-Treasurer on finances, audits, requests for funding
- Report on facility inspections
- Cadaver procurement and needs report
- Identification of cadaver availability
- Review of new or renovated facilities
- Review of proposed legislative changes to TAC or THSC
- Presentations on new medical schools and gross anatomy facilities

The officers of the board also communicate regularly with board members via emails to keep them updated on current issues, developments, and processes in the interim between called meetings.

H. How does your policymaking body obtain input from the public regarding issues under the agency's jurisdiction? How is this input incorporated into the operations of your agency?

All full meetings of the Anatomical Board of the State of Texas are announced, published, and open to the public. There is an agenda item in each called meeting for Public Comment. Any person in attendance is given an opportunity to speak or ask questions to the full board. Outside of speaking at a called meeting, the public can provide comments or ask a question via the board's website (<http://sabtexas.com/contact>).

I. If your policymaking body uses subcommittees or advisory committees to carry out its duties, fill in the following chart. See Exhibit 5 Example. For advisory committees, please note the date of creation for the committee, as well as the abolishment date as required by Texas Government Code, Section 2110.008.

In addition, please attach a copy of any reports filed by your agency under Texas Government Code, Section 2110.007 regarding an assessment of your advisory committees as Attachment 28.

**Anatomical Board of the State of Texas
Exhibit 5: Subcommittees and Advisory Committees**

Name of Subcommittee or Advisory Committee	Size / Composition / How are members appointed?	Purpose / Duties	Legal Basis for Committee (statute or rule citation)	Creation and Abolishment Dates
Sunset Review Subcommittee	6 members selected for regional representation and board experience variation	Formal communication with the Sunset Review team and SAB responses to questions from the Sunset Review team and Commission	TAC 25.4.475.5	Created April, 2020 Abolished November, 2020
SAB Texas Administrative Code Change Advisory Committee	Volunteer SAB members and WBP Administrators	Develop proposals for updating changes in Chapter 25 of the Texas Administrative Code	TAC 25.4.475.5	Created June, 2021 Continuing to function
SAB Texas Facility Inspection Advisory Committee	Volunteer SAB members and WBP Administrators	Develop proposals and changes in the facility inspection process to include application for inspection, inspection fees, developing facility inspection manual and training of inspectors	TAC 25.4.475.5	Created June, 2021 Continuing to function
SAB Texas Fee Schedule Advisory Committee	Volunteer SAB members and WBP Administrators	Develop proposals for changing the fee structure to include application and initial and renewal registration fees for facilities, revising current fee structure for registration of donor bodies and transfer fees	TAC 25.4.475.5	Created June, 2021 Continuing to function
SAB Texas Administration Advisory Committee	Volunteer SAB members and WBP Administrators	Develop proposals for changing administrative functions and procedures of the SAB, develop an Operational Policy and Procedure manual, develop formal list of rule infractions and penalties	TAC 25.4.475.5	Created June, 2021 Continuing to function

Table 5 Exhibit 5 Subcommittees and Advisory Committees

V. Funding

A. Provide a brief description of your agency’s funding, including information about the most recent five percent budget reduction and any funding related to disaster relief or COVID-19, if applicable.

The Anatomical Board of the State of Texas receives no funding from the State of Texas. All funding is derived from cadaver registration and transfer fees received from our member institutions.

B. List all riders that significantly impact your agency’s budget.

NA

C. Show your agency’s expenditures by strategy. See Exhibit 6 Example.

**Anatomical Board of the State of Texas
Exhibit 6: Expenditures by Strategy — 2020 – June 2021 (Actual)**

Goal / Strategy	Amount Spent	Percent of Total	Contract Expenditures Included in Total Amount
Debt Charges	\$13,447.35	44.39%	-0-
ePN Fee	\$321.04	1.05%	-0-
Bank Card	\$4,220.03	13.93%	-0-
Public Storage Fees	\$2,580.00	8.52%	-0-
Member Expense Reimbursements	\$9,725.58	32.11%	-0-
GRAND TOTAL:	\$30,293.46	100%	-0-

Table 6 Exhibit 6 Expenditures by Strategy

D. Show your agency’s sources of revenue. Include all local, state, and federal appropriations, all professional and operating fees, and all other sources of revenue collected by the agency, including taxes and fines. See Exhibit 7 Example.

**Anatomical Board of the State of Texas
Exhibit 7: Sources of Revenue — 2020 – June 2021 (Actual) (Actual)**

Source	Amount
<i>WBP Fees</i>	<i>\$152,049.00</i>
<i>TOTAL</i>	<i>\$152,049.00</i>

Table 7 Exhibit 7 Sources of Revenue

E. If you receive funds from multiple federal programs, show the types of federal funding sources. See Exhibit 8 Example.

The Anatomical Board of the State of Texas receives no federal funding.

F. If applicable, provide detailed information on fees collected by your agency. Please explain how much fee revenue is deposited/returned to the General Revenue Fund and why, if applicable. See Exhibit 9 Example.

**Anatomical Board of the State of Texas
Exhibit 9: Fee Revenue — 2020 – June 2021 (Actual)**

Fee Description/ Program/ Statutory Citation	Current Fee	Fees Set by Statute or Rule?	Number of Persons or Entities Paying Fee	Number of Fees Paid	Expected Fee Revenue	Collected Fee Revenue	% of Expected Fees	Where Fee Revenue is Deposited (e.g., General Revenue Fund)
<i>SAB Tag Fees</i>	<i>\$1,600.00</i>	<i>Rule</i>	<i>11</i>	<i>35</i>	<i>\$56,000</i>	<i>\$56,000</i>	<i>100%</i>	<i>Amegy Bank of Texas</i>
<i>Cadaver Transfer Fees</i>		<i>Rule</i>	<i>10</i>	<i>2,063</i>	<i>\$96,048</i>	<i>\$96,048</i>	<i>100%</i>	<i>Amegy Bank of Texas</i>
<i>In-state Transfer Fees</i>	<i>\$16.00</i>	<i>Rule</i>	<i>7</i>	<i>3,303</i>	<i>\$52,848</i>	<i>\$52,848</i>	<i>100%</i>	
<i>Out of state Transfer Request Fees</i>	<i>\$80.00</i>	<i>Rule</i>	<i>3</i>	<i>540</i>	<i>\$43,200</i>	<i>\$43,200</i>	<i>100%</i>	

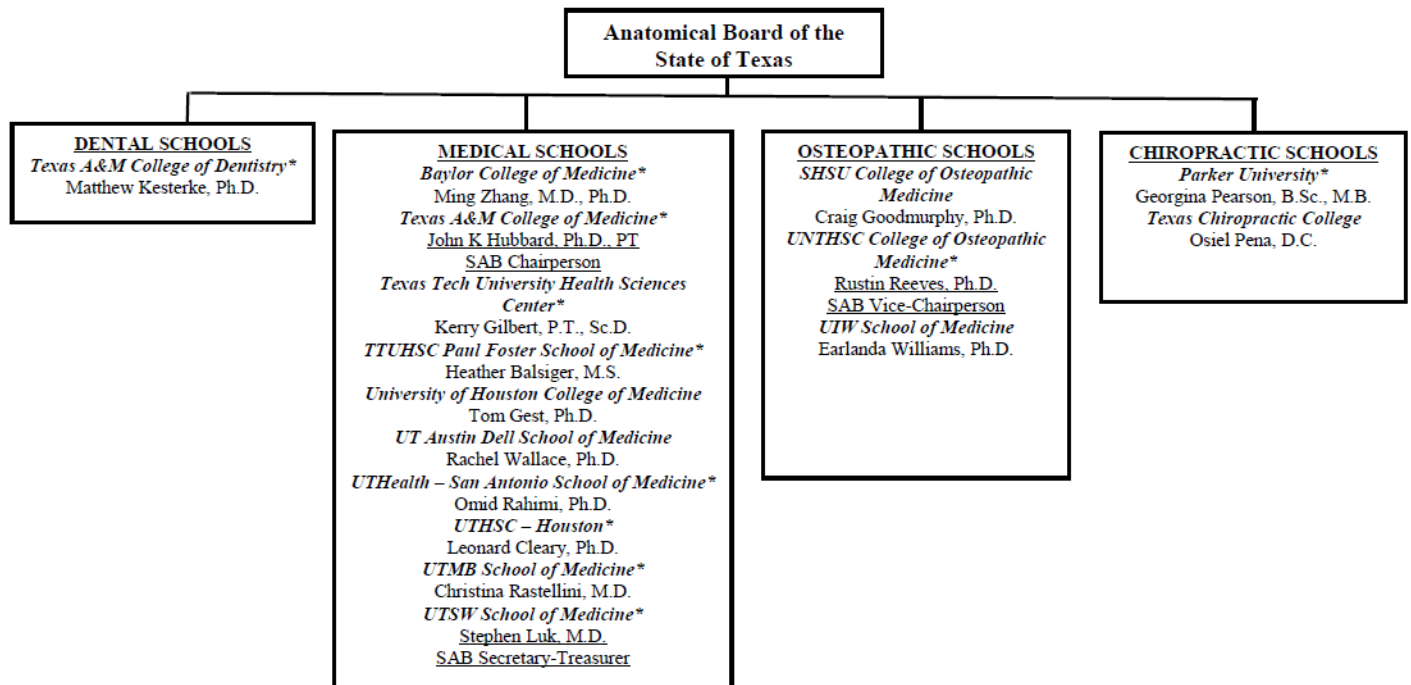
Table 9 Exhibit 9 Fee Revenue

VI. Organization

A. Provide an organizational chart that includes major programs and divisions, and shows the number of FTEs in each program or division. Detail should include, if possible, department heads with subordinates, and actual FTEs with budgeted FTEs in parenthesis.

ANATOMICAL BOARD OF THE STATE OF TEXAS

Approved Membership Organizational Chart



*Willed Body Programs

Executive Committee Members

B. If applicable, fill in the chart below listing field or regional offices. See Exhibit 10 Example.

N/A

C. What are your agency’s FTE caps for fiscal years 2019–22?

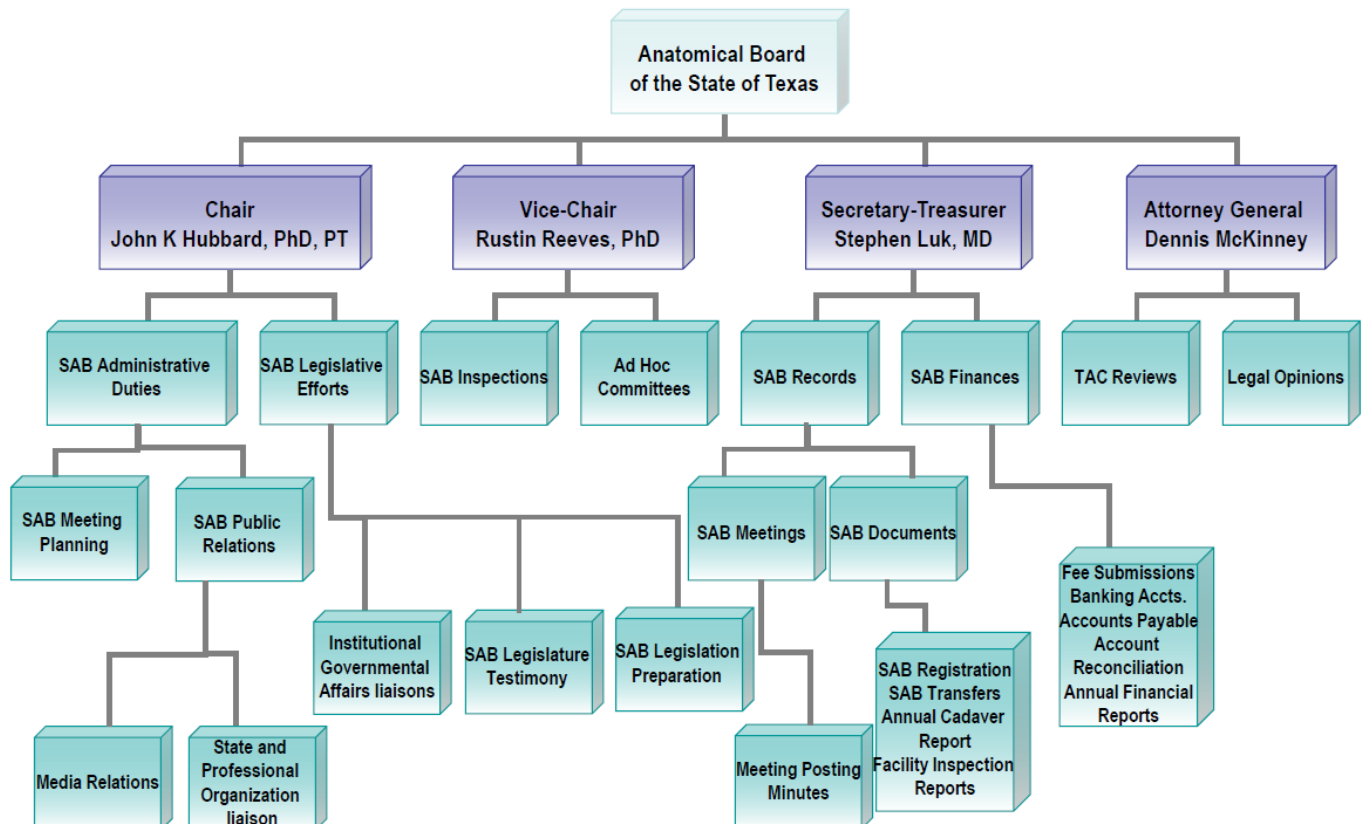
N/A

D. How many temporary or contract employees did your agency have in fiscal year 2020? Please provide a short summary of the purpose of each position, the amount of expenditures per contract employee, and the procurement method of each position.

N/A

E. List each of your agency’s key programs or functions, along with expenditures and FTEs by program. See Exhibit 11 Example.

Anatomical Board of the State of Texas Executive Committee Flowchart



VII. Guide to Agency Programs

Complete this section for **each** agency program (or each agency function, activity, or service if more appropriate). Copy and paste questions A through P as many times as needed to discuss each program, activity, or function. Contact Sunset staff with any questions about applying this section to your agency.

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Registration and Disbursement of Cadavers

Location/Division: Statewide

Contact Name: John Hubbard, PhD / Stephen Luk, MD

Statutory Citation for Program: Texas Administrative Code Title 25, Part 4, Chapter 477; Texas Health and Safety Code Chapter 691, Subchapter B

B. What is the objective of this program or function? Describe the major activities performed under this program.

The objective of this program is to provide a uniform statewide registration process that all of our member willed body programs can utilize. All bodies donated to our member willed body programs or directly to the Anatomical Board of the State of Texas are registered via an online submission that is part of the SAB website. Once registered, all donor bodies are assigned a SAB number that is the tracking number for that individual body and stays with that body whether it stays within the receiving institution or is transferred to another facility or institution.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

The number of bodies each willed body program receives is disclosed in the Cadaver Procurement Report that is turned into the Secretary – Treasurer on an annual basis and reviewed in the annual SAB meeting. Following the review of the procurement report, the member institutions that have excess bodies are identified and these bodies are distributed to the member institutions who do not have enough donor bodies for their educational needs. In 2020, there were 3,553 bodies received through direct donations and 106 bodies transferred to other member institutions.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

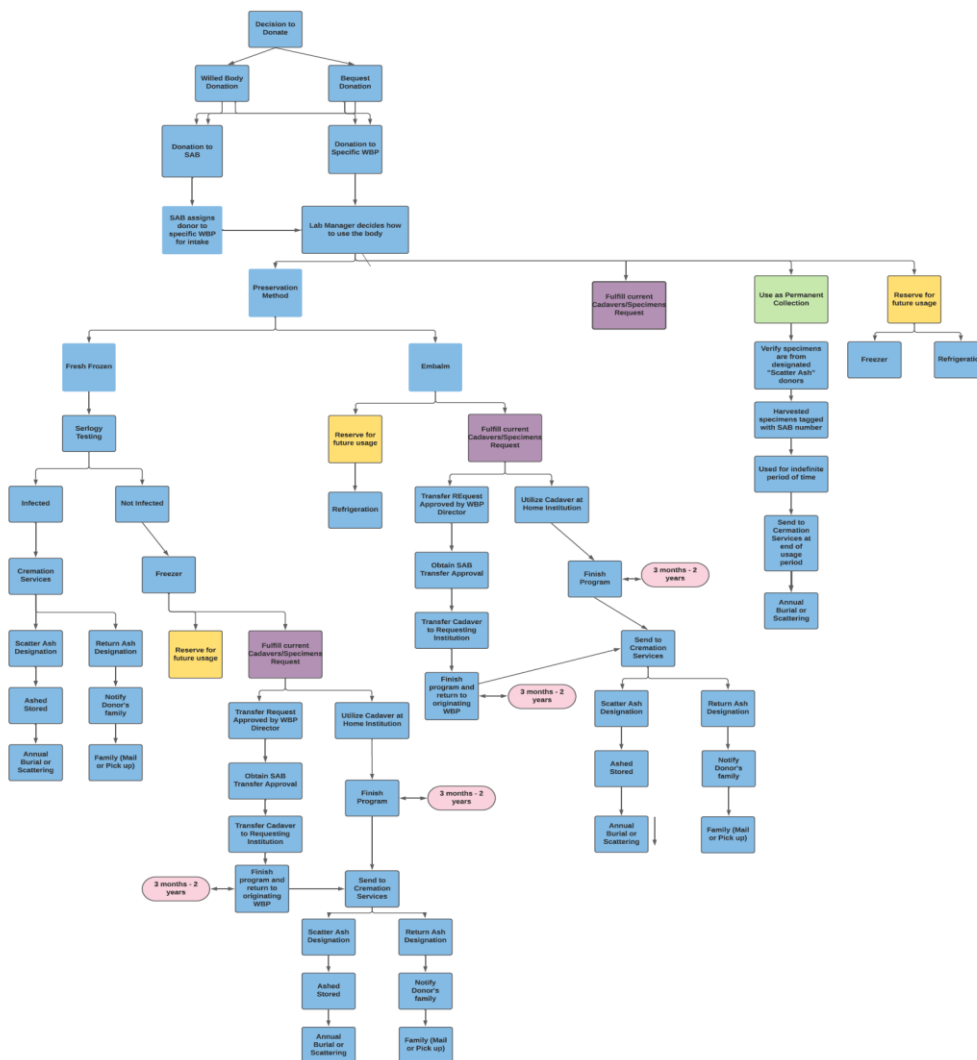
N/A

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

N/A

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

Each member institution that maintains a willied body program purchases a set of SAB identification tags from the anatomical board. The tags are distributed in sets of 100. When a program received a donor body, it assigns one of the numbered tags to that body, then registers the body with the SAB. The following flowchart demonstrated the processed each WBP takes with a donor cadaver once that cadaver is received.



G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

Funding for this program is through purchase of the SAB identification tags that are \$16.00 each. The tags are sold in lots of 100, so each willed body program pays \$1,600 for each set of tags.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

There are no duplicate internal or external programs that provides this service to our member institutions.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

N/A

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

This program is completely autonomous within the Anatomical Board of the State of Texas.

K. If contracted expenditures are made through this program please provide

- a short summary of the general purpose of those contracts overall;
- the amount of those expenditures in fiscal year 2020;
- the number of contracts accounting for those expenditures;
- the method used to procure contracts;
- top five contracts by dollar amount, including contractor and purpose;
- the methods used to ensure accountability for funding and performance; and
- a short description of any current contracting problems.

At this time, there are no contracted expenditures. The SAB is anticipating employing individuals to assist with the work of the board on an independent contractor basis in the near future.

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program’s performance, including any outdated or ineffective state laws? Explain.

There are tremendous barriers and challenges impeding the program’s performance directly related to having no allocated budget from the State of Texas, no central agency office, and no agency employees. THSC 691 which governs the SAB is outdated and ineffective, and needs to be amended to allow the agency to hire employees directly to assist with the work of the agency in the same manner that all other state agencies are allowed to operate. A modest allocation of \$500,000 would allow the SAB to rent a centralized office suite, perform its essential duties, and allow sufficient funds to hire 3.5 FTE’s on an annual basis.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

N/A

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

This regulatory program is needed to allow each institutional Willled body Program to account directly to the Anatomical Board of the State of Texas the number of willled body donations received by each member institutions. Each willled body program undergoes an audit a minimum of every five (5) years (current recommendation before the board is to change this to every three years), the results of which are presented to the SAB at the time of their facility re-inspection. If a program does not match the numbers of their reported donor bodies with those shown in the audit, or does not provide an audit for review, that willled body program may be subject to disciplinary action such as suspension of their ability to directly receive donor bodies.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency’s particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

**Anatomical Board of the State of Texas
Registration and Disbursement of Cadavers
Exhibit 13: Information on Complaints Against Regulated Persons or Entities
Fiscal Years 2020 and 2021**

	Fiscal Year 2017	Fiscal Year 2018
Total number of regulated persons	NA	NA
Total number of regulated entities	11	11
Total number of entities inspected	5	5
Total number of complaints received from the public	0	0
Total number of complaints initiated by agency	0	0
Number of complaints pending from prior years	0	0
Number of complaints found to be non-jurisdictional	0	0
Number of jurisdictional complaints found to be without merit	0	0
Number of complaints resolved	0	0
Average number of days for complaint resolution	NA	NA
Complaints resulting in disciplinary action:	0	0
administrative penalty	0	0
reprimand	0	0
probation	0	0
suspension	0	0
revocation	0	0
other	0	0

Table 13 Exhibit 13 Information on Complaints Against Persons or Entities

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Collection of Fees

Location/Division: Statewide

Contact Name: Stephen Luk, MD

Statutory Citation for Program: Texas Administrative Code Title 25, Part 4, Chapter 477; Texas Health and Safety Code Chapter 691, Subchapter B

B. What is the objective of this program or function? Describe the major activities performed under this program.

Provide primary funding for operations of the Anatomical Board of the State of Texas to oversee and administer the registration and disbursements of cadavers throughout the state, provide inspections of all facilities that are authorized to receive and hold cadavers, and fund the duties of the board through reimbursement of expenses to those board members who incur them.

Additionally, these fees provide financial support for the maintenance of the SAB website and the personnel utilized to monitor the website and send out the SAB identifications tags.

- C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.**

The collection of fees is performed in an effective manner through online submissions on the SAB website. A newly designed website was brought online in 2019. Since this website was made active, the compliance in submitting fees has increased dramatically – from \$29,504.75 in FY 2018 – 2019 to \$79,744.00 in FY 2019 - 2020. The majority of this increase was the collection of past due fees from several of the Willed Body Programs. Fee collections for the first ten (10) months of FY 2020 - 20211 totaled \$30,305.29.00 which projects to an estimated \$36,366.39 for the full fiscal year.

- D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.**

The process for submission of cadaver registration and transfer fees was automated in 2016. Previously, it was a manual and time-consuming process. As the number of willed body programs increased along with the number of willed body donations, the single volunteer secretary-treasurer was unable to keep up with the time demands of this function along with their regular job functions. There was also little oversight on the member institutions to record and submit all their cadaver transfers. The previous website did not allow for full disclosure of financial transactions, and the webmaster stopped supplying the SAB with reports of financial transactions submitted through the website. In 2019, the website became totally dysfunctional, thus implementing the need for a new website with a different company. The new website allows full financial information to the SAB, and member WBP's are able to process their registration and transfer fees online without the prior issues on an insecure platform. With the implementation of the online transfer request and fee submission process all member programs are now compliant and up to date on payment of their respective fees.

- E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.**

NA

- F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.**

Each member institution maintaining a willed body program that has been requested to transfer a cadaver to another facility or institution will enter that transfer request into the online portal. Submission of the cadaver transfer fee via credit card is required prior to the transfer being approved and the member institution being provided a transfer approval number. The current cadaver transfer fees are \$16.00 for a transfer within the State of Texas, and \$80.00 for a cadaver transferred outside of the State of Texas.

- G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).**

All funding is described above.

- H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.**

There are no duplicate internal or external programs that provides this service to our member institutions.

- I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.**

NA

- J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.**

This program is completely autonomous within the Anatomical Board of the State of Texas.

- K. If contracted expenditures are made through this program please provide**
- a short summary of the general purpose of those contracts overall;
 - the amount of those expenditures in fiscal year 2018;
 - the number of contracts accounting for those expenditures;
 - the method used to procure contracts;
 - top five contracts by dollar amount, including contractor and purpose;
 - the methods used to ensure accountability for funding and performance; and
 - a short description of any current contracting problems.

There are no contracted expenditures.

L. Provide information on any grants awarded by the program.

NA

M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.

There are no outdated or ineffective state laws presenting challenges to the collection of member fees by the SAB. There is however a challenge that the SAB needs to generate additional income in the absence of a budgeted state allocation to support a centralized office and bringing on contracted individuals to assist the board in its monitoring of the website, collection of fees and reconciliation of the fees due and submitted. There is a current proposal before the SAB to increase the fee structure, and implement new fees for member Willd Body Programs, facility inspection application fees, annual facility renewal fees, charging facilities for the costs directly related to inspection of their facilities, and decreasing facility re-inspection intervals from a five (5) year cycle to a three (3) year cycle.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

NA

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

This regulatory program is needed to fund the duties and responsibilities of the Anatomical Board of the State of Texas. Each willd body program undergoes an audit a minimum of every five (5) years, the results of which are presented to the SAB at the time of their facility re-inspection. The audit specifically looks at timely submission of SAB fees. If a program does not match the numbers of their fee payments with those shown in the audit, or does not provide an audit for review, that willd body program may be subject to disciplinary action such as suspension of their ability to directly receive donor bodies.

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.

**Anatomical Board of the State of Texas
Collection of Fees
Exhibit 13: Information on Complaints Against Regulated Persons or Entities
Fiscal Years 2017 and 2018**

	Fiscal Year 2017	Fiscal Year 2018
Total number of regulated persons	0	0
Total number of regulated entities	11	11
Total number of entities inspected	5	5
Total number of complaints received from the public	0	0
Total number of complaints initiated by agency	0	0
Number of complaints pending from prior years	0	0
Number of complaints found to be non-jurisdictional	NA	NA
Number of jurisdictional complaints found to be without merit	NA	NA
Number of complaints resolved	NA	NA
Average number of days for complaint resolution	NA	NA
Complaints resulting in disciplinary action:	NA	NA
administrative penalty	NA	NA
reprimand	NA	NA
probation	NA	NA
suspension	NA	NA
revocation	NA	NA
other	NA	NA

Table 13 Exhibit 13 Information on Complaints Against Persons or Entities

A. Provide the following information at the beginning of each program description.

Name of Program or Function: Inspection of facilities

Location/Division: Statewide

Contact Name: Rustin Reeves, PhD / John Hubbard, PhD, PT

Statutory Citation for Program: Texas Administrative Code Title 25, Part 4, Chapter 477; Texas Health and Safety Code Chapter 691, Subchapter B

B. What is the objective of this program or function? Describe the major activities performed under this program.

The Anatomical Board of the State of Texas has the duty to inspect and approve all facilities that desire to receive, hold, dissect, or perform research on any human body or anatomical specimen that originated from one of the Willed (Whole) Body Programs within this state, even those acting under the name “Non-transplant Tissue Banks”. This process and authority is set forth in Title 25, Part 4 of the Texas Administrative Code and Chapter 691 of the Texas Health and

Safety Code and gives uniform guidelines and continuity to the process. This essential function performed exclusively by the Anatomical Board of the State of Texas provides assurance to the citizens of this state that those bodies donated for the purposes of educational, research, or healthcare worker skill training activities are performed only in appropriate facilities that ensure the legal, ethical and respectful treatment that these donors deserve.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please do not repeat measures listed in Exhibit 2 unless necessary to understand the program or function.

As shown in the following table, the members of the Anatomical Board of the State of Texas are very active in performing facility inspections. The Vice-Chairperson of the SAB is the Executive Committee member in charge of coordinating and performing facility inspections. He is assisted in that duty by numerous other members of the board. AS per the Texas Administrative Code, all new facilities being inspected for the first time, require two board members to inspect and approve each facility. Subsequent inspections can be performed by a single board member. No board member is allowed to inspect a facility that will receive their WBP cadavers or anatomical specimens from that members WBP. Seven (7) different board members participated in facility inspections in 2019, 8 in 2020, and to date in 2021, 5 board members have participated.

Anatomical Board of the State of Texas
Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2020-2021

Program Statistics or Performance Measures	Number of Facility Inspection Requests	Number of Facilities Inspected	Number of Facilities Approved	Number of Facilities Denied
2019 Facility Inspections	20	20	20	0
2020 Facility Inspections *	15	15	15	0
2021 Facility Inspections (as of 6/30/2021)	21	20	20	0

Table 12 Exhibit 12 Program Statistics and Performance Measures *See Exhibit 3

*Some facility inspections were deferred until 2021 due to the COVID pandemic travel restrictions and restrictions on access into facilities.

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

The SAB “Inspection of Facilities” form was updated in 2017 and a second Inspection form was developed to properly provide for the special circumstances of the Forensic Science and Search and Rescue programs which are primarily conducted outdoors. Additionally, facility checklists were developed to provide the facilities requesting inspection key points that the inspectors will be looking at. This is to allow the facilities advance notice of the requirements and priorities of

the board and the individuals inspecting the facilities, and continuity in the process. In 2021, a new set of facility inspection applications, forms, checklists, and an inspection training manual are under development. These will be presented to the full board in January 2022 for approval and implementation. The new inspection forms will delineate special training and research programs from the gross anatomy laboratories and willed body programs, as each of these separate types of facilities has distinctly different requirements. The inspection training manual will detail the processes and procedures for performing inspections and approving facilities. All individuals performing facility inspections on behalf of the SAB will be required to demonstrate understanding and competency by passing a post-instruction exam and accompanying trained inspectors on two facility inspections prior to being assigned to do any independent inspections.

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

All anatomical board members are able and encouraged to participate in the facility inspection process. No special training had been required in the past other than personal experience in having had their own facilities inspected previously. For most facility inspections, one of the members of the SAB executive committee were performing the inspection. New amendments to the Texas Administrative Code stipulate that no board member may participate in a facility inspection if the facility being inspected will receive any cadavers or anatomical specimens from the WBP of that board member. Additionally, a new inspection training manual (Projected approval by the SAB in January 2022) is under development that will layout the procedures and requirements for facility inspections and approvals. All SAB members will be required to demonstrate understanding and competency in these procedures prior to being assigned to perform a facility inspection.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

All new gross anatomy laboratories being planned within the state are asked to provide the anatomical board with information on their new facility during the planning stages so that consultation can be provided to these institutions in building a facility that meets or exceeds the SAB standards. These plans are reviewed during the annual SAB meeting and if all looks to be appropriate, preliminary approval for construction is given. Once substantial completion is reached, or prior to occupancy or transfer of any WBP cadaver into that facility, a formal inspection is scheduled. Any independent facility that is not part of one of our member institutions that desires to utilize willed body program cadavers or anatomical specimens for their education, research, or skill training activities will submit a request to the SAB for an inspection. This inspection must be completed, and the facility approved prior to allowing that facility to receive any willed body program transfers from any of our member institutions. These facilities must meet the same requirements that our educational member institutions meet for the facility to be approved.

During this inspection, all systems must be working including but not limited to security, protection from public viewing or access, adequate storage, dissection (or procedure) facilities,

cleanliness, appropriate work surfaces, appropriate hand and instrument cleaning facilities, adequate air conditioning, air exchanges, and air monitoring. When the facility is approved, the approval is for a maximum of five years. Once the facility is approved and operational, the facility is placed into one of the five (5) SAB regions of the state in which are facilities are inspected on a five (5) year rotating basis. If any substantive changes to any of the facilities are planned or implemented, these are also presented to the SAB for approval, and the facility will again undergo a follow-up inspection once those changes have been completed.

There is currently a proposal before the SAB to condense the state into three inspection regions and perform re-inspections every three (3) years rather than every five (5) years. This proposal will be voted on by the full SAB in January 2022.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

As per Title 25, Part 4, Chapter 479. Rule 2 of the Texas Administrative Code, costs for inspection and reinspection shall be borne by the board. As the board members performing these inspections are not paid by the board, their direct travel costs incurred in performing the inspections are reimbursed to them out of the operating expenses maintained by the Secretary/Treasurer of the SAB. Funding for these expenses comes to the board from the member fees described in previous sections of this report.

Currently, the SAB has a proposal on the table to revise Title 25, Part 4, Chapter 479. Rule 2 of the Texas Administrative Code and charge each facility an application fee when requesting an initial facility inspection. The actual cost of that inspection will then be billed to the facility whether the facility passes their inspection or not. This proposal will be voted on by the full SAB in January 2022.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

There are no duplicate internal or external programs that provides this service to our member institutions, or to those institutions who acquire their cadavers or anatomical specimens through our Texas Willed Body Programs.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

NA

- J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.**

This program is completely autonomous within the Anatomical Board of the State of Texas.

- K. If contracted expenditures are made through this program please provide**
- a short summary of the general purpose of those contracts overall;
 - the amount of those expenditures in fiscal year 2018;
 - the number of contracts accounting for those expenditures;
 - the method used to procure contracts;
 - top five contracts by dollar amount, including contractor and purpose;
 - the methods used to ensure accountability for funding and performance; and
 - a short description of any current contracting problems.

There are no contracted expenditures.

- L. Provide information on any grants awarded by the program.**

NA

- M. Are there any barriers or challenges that impede the program's performance, including any outdated or ineffective state laws? Explain.**

The only barriers to this program are 1) the availability of volunteer board members to be able to excuse themselves from their designated job duties at their employing institutions to enable them to take the time to travel to these facilities and perform the inspections; 2) the integrity of the member willed body programs in advising the SAB of any facility that has requested WBP cadavers or anatomical specimens that has not been previously inspected and approved and not providing these facilities with any cadavers or anatomical specimens until such inspections have been performed; 3) development, approval, and implementation of an inspection of facilities manual; and 4) approval of the proposal to collect actual inspection costs from those facilities being inspected.

- N. Provide any additional information needed to gain a preliminary understanding of the program or function.**

NA

- O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe**
- why the regulation is needed;
 - the scope of, and procedures for, inspections or audits of regulated entities;
 - follow-up activities conducted when non-compliance is identified;
 - sanctions available to the agency to ensure compliance; and

- **procedures for handling consumer/public complaints against regulated entities.**

This regulatory program is needed to ensure that those individuals who have voluntarily donated their bodies to our Willd Body Programs after their deaths are treated with the utmost respect and dignity, that their bodies will be housed in appropriate facilities where they will not be put on public display, and that all ethical standards and principles will govern the use of their bodies. This program ensures that the applying rules within title 25, Part 4, Chapter 479 Rule 3 of the Texas Administrative code are adhered to including all health standards, safety standards, and public welfare standards.

- P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency's particular programs. If necessary to understand the data, please include a brief description of the methodology supporting each measure.**

**Anatomical Board of the State of Texas
Inspection of Facilities
Exhibit 13: Information on Complaints Against Regulated Persons or Entities
Fiscal Years 2019 and 2020-21**

	Fiscal Year 2019	Fiscal Year 2020
Total number of regulated persons	0	0
Total number of regulated entities	83	98
Total number of entities inspected	20	35
Total number of complaints received from the public	0	0
Total number of complaints initiated by agency	0	0
Number of complaints pending from prior years	0	0
Number of complaints found to be non-jurisdictional	0	0
Number of jurisdictional complaints found to be without merit	0	0
Number of complaints resolved	0	0
Average number of days for complaint resolution	NA	NA
Complaints resulting in disciplinary action:	NA	NA
administrative penalty	NA	NA
reprimand	NA	NA
probation	NA	NA
suspension	NA	NA
revocation	NA	NA
other	NA	NA

Table 13 Exhibit 13 Information on Complaints Against Persons or Entities

VIII. Statutory Authority and Recent Legislation

A. Fill in the following charts, listing citations for all state and federal statutes that grant authority to or otherwise significantly impact your agency. Do not include general state statutes that apply to all agencies, such as the Public Information Act, the Open Meetings Act, or the Administrative Procedure Act. Provide information on Attorney General opinions from FY 2015–2020, or earlier significant Attorney General opinions, that affect your agency’s operations.

Anatomical Board of the State of Texas Exhibit 14: Statutes / Attorney General Opinions

Statutes

Citation / Title	Authority / Impact on Agency <i>(e.g., “provides authority to license and regulate nursing home administrators”)</i>
Texas Health and Safety Code Chapter 691	Organization, authority and duties of the Anatomical Board of the State of Texas (Text)
Texas Health and Safety Code Chapter 692A	Revised Uniform Anatomical Gift Act provides definitions, applicability, authorizations for making an anatomical gift of a whole body for education and research and parts of bodies for therapy and transplantation.
Texas Administrative Code Title 2, Part 4, Chapters 471 - 485	Provides operating procedures for the organization and functions of the Anatomical Board of the State of Texas

Table 14 Exhibit 14 Statutes

Attorney General Opinions

Attorney General Opinion No.	Impact on Agency
JM – 663 (March 31, 1987)	The Anatomical Board of the State of Texas may not transfer bodies outside of the United States of America.
JC – 0583 (Nov. 6, 2002)	Cadavers may not be transferred to other states for use in medical education and research unless the other state has promised reciprocation to the Anatomical Board.
KP – 0279 (Dec. 4, 2019)	Tissue banks licensed by another state may operate in Texas pursuant to THSC 692A, however, whole-body donations (including transfers) are subject to oversight by The Anatomical Board of the State of Texas.

Table 15 Exhibit 14 Attorney General Opinions

B. Provide a summary of significant legislation regarding your agency by filling in the charts below or attaching information already available in an agency-developed format. Briefly summarize the key provisions. For bills that did not pass but were significant, briefly explain the key provisions and issues that resulted in failure of the bill to pass (e.g., opposition to a new fee, or high cost of implementation). Place an asterisk next to bills that could have a major impact on the agency. See Exhibit 15 Example.

Anatomical Board of the State of Texas

Exhibit 15: 86th Legislative Session

Legislation Enacted

Bill Number	Author	Summary of Key Provisions
NA		

Table 16 Exhibit 15 Legislation Enacted 86th Leg

Legislation Not Passed

Bill Number	Author	Summary of Key Provisions / Reason Bill Did Not Pass
SB 2081 / HB 773	Hinojosa / Davis	Allows cremation of human remains by alkaline hydrolysis / Out of House Committee 4/9/19

Table 17 Exhibit 15 Legislation Not Passed 86th Leg

Exhibit 15: 87th Legislative Session

Legislation Enacted

Bill Number	Author	Summary of Key Provisions
SB 713* / HB 1860	Buckingham / Cyrier	Provides for the continuation of the Anatomical Board of the State of Texas through September 1, 2023 rather than September 1, 2021. The Anatomical Board of the State of Texas will undergo the Sunset Review process in 2021-2022.

Table 16 Exhibit 15 Legislation Enacted 87th Leg

Legislation Not Passed

Bill Number	Author	Summary of Key Provisions / Reason Bill Did Not Pass
SB 701* / HB 1565	Buckingham / Paddie	Recommendation to abolish the Anatomical Board of the State of Texas and transfer the regulation of willed body programs to the Texas Funeral Services Commission and creating the State Anatomical Advisory Committee. These bills did not pass due to differences that were inserted into HB165 that would allow accredited Non-transplant Tissue Banks to operate their whole-body donation programs without oversight of the TFSC or be regulated by THSC 691 or 692A. The bills were sent to Conference Committee but did not pass out of them.

Table 17 Exhibit 15 Legislation Not Passed 87th Leg

IX. Major Issues

The purpose of this section is to briefly describe any potential issues raised by your agency, the Legislature, or stakeholders that Sunset could help address through changes in statute to improve your agency's operations and service delivery. Inclusion of an issue does not indicate support, or opposition, for the issue by the agency's board or staff. Instead, this section is intended to give the Sunset Commission a basic understanding of the issues so staff can collect more information during our detailed research on your agency. Some questions to ask in preparing this section may include: (1) How can your agency do a better job in meeting the needs of customers or in achieving agency goals? (2) What barriers exist that limit your agency's ability to get the job done?

Emphasis should be given to issues appropriate for resolution through changes in state law. Issues related to funding or actions by other governmental entities (federal, local, quasi-governmental, etc.) may be included, but the Sunset Commission has no authority in the appropriations process or with other units of government. If these types of issues are included, the focus should be on solutions that can be enacted in state law.

For river authorities, Texas Government Code, Section 325.025 limits the scope of Sunset reviews to each authority's governance, management, operating structure, and compliance with legislative requirements. However, river authorities may provide information about major issues facing the authority even if they are outside this limited scope. Previously, this type of information has provided valuable context for understanding the authority's current situation and operations.

This section contains the following three components.

A. Brief Description of Issue (See Attachment 3)

Major Issue #1 – Proposed abolition of the Anatomical Board of the State of Texas and placing it under the Texas Funeral Services Commission as an Anatomical Advisory Committee.

The immediate past Sunset Review and subsequent proposed legislative bills sought to abolish the Anatomical Board of the State of Texas, thus depriving all citizens of the State of Texas the confidence and assurance that those programs they wish to donate their bodies to will be regulated and certified to operate in a legal and ethical manner.

The Anatomical Board of the State of Texas was proposed to be abolished and rolled into the Texas Funeral Services Commission as an "Anatomical Advisory Committee". While there were proposed stipulations that the TFSC not be able to enact or revise any rules related to the operation of Willed Body Programs unless that rule was proposed or endorsed by the advisory committee, the advisory committee itself had no regulatory or oversight authority. In discussing the transition to the auspices of the TFSC, their Executive Director stated numerous times that neither he nor any of the TFSC Commissioners had any prior experience or knowledge of willed body donation programs or how to regulate them.

Major issue #2 – Loss of regulatory authority over Whole-body Donation Programs operating as “Non-transplant Tissue Banks”

The Anatomical Board of the State of Texas (SAB) has primary regulatory jurisdiction over the receipt, storage, transportation, inspections of all facilities and institutions receiving donated human bodies through Willed (Whole) Body Donation Programs and “Non-transplant tissue Banks” operating as a Whole-Body Donation program for the purpose of education, research and healthcare skill training sessions. Along with this, the SAB oversees all the Willed Body Programs of our medical, dental, osteopathic and chiropractic schools within the state, along with any private or commercial Willed Body Program operating within the state. Additionally, there was an added provision into HS 1565 that the “Non-transplant Tissue Banks” would be allowed to operate without any regulatory oversight so long as they were accredited by the American Association of Tissue Banks which is a non-regulatory agency. This equates to a statement that an accredited educational institution or health care entity that is accredited would not be subject to any regulatory oversight either. There is a long history of abuses of donated human beings from these “accredited” Non-transplant Tissue Banks that will be discussed in the next section.

Major Issue #3 – Update outdated statutes (THSC 691 and 692A) regulating the formation, and function of the Anatomical Board of the State of Texas and the Uniform Anatomical Gift Act. Revenue generation and financial allocations to support the operations of the Anatomical Board of the State of Texas.

The next issue to discuss is the past due revisions necessary to update the current statutes regulating the formation and function of the Anatomical Board of the State of Texas. The SAB has operated effectively and autonomously for over 100 years without support or funding from the State of Texas. Many things have changed since the inception of the SAB, and the last legislative revision of our operating statutes in 1984. It is now plainly clear that the SAB needs statutory updates and revisions which the SAB is prepared to present. Items of clarification are the definitive definitions of the different types of Willed (Whole) Body Donation Programs under the regulatory jurisdiction of the SAB, selection of members of the SAB, defining legal authority for the SAB to investigate and sanction or impose penalties for facilities out of compliance with prevailing rules set forth in the Sections THSC or the TAC, clarification on charging of fees for transfer of cadavers or anatomical specimens received via donation to WBP’s, and including definitive regulations on transfer, importation and exportation of WBP donations.

Major Issue #4 – Revenue generation and financial allocations to support the operations of the Anatomical Board of the State of Texas.

One of the primary reasoning behind this proposed abolishment was that the Anatomical Board of the State of Texas had no direct budgetary allocations from the legislature nor did it have any staff. Rather than recommending a budgetary allocation and authorizing the SAB that they could and should hire staff, it seemed “easier” to roll the SAB into the TFSC which already had a “typical” state agency setup, with funding and staffing. During the past legislative session, it was strongly recommended to the SAB that our agency not ask for any budgetary allocations due to “financial shortfalls” in the state treasury, and just accept the recommendation to be absorbed into the TFSC. While the SAB accepted these recommendations based on the counsel from our collective group of governmental affairs liaisons, the SAB was then, and still is opposed to the

proposed abolishment and merger into the TFSC. The SAB now needs a modest state budgetary allocation to allow it to operate as a “Normal” state agency with a centralized office and authorization to hire staff (Executive Director, Administrative Assistant, Investigator / Inspector) to assist the board members in carrying the duties of the board.

B. Discussion

Background. Include enough information to give context for the issue. Information helpful in building context includes:

- What specific problems or concerns are involved in this issue?
- Who does this issue affect?
- What is the agency’s role related to the issue?
- Any previous legislative action related to the issue?

For a full background on these issues, please refer to Appendix 3 A – C which contains copies of the proposed legislative actions (A), a proposed revision of THSC 691 and additional actions currently being undertaken by the SAB to develop administrative guidelines needed to operate as an independent state agency (B), and a proposed budgetary request (C).

C. Possible Solutions and Impact

Provide potential recommendations to solve the problem. Feel free to add a more detailed discussion of each proposed solution, including:

- How will the proposed solution fix the problem or issue?
- How will the proposed change impact any entities or interest groups?
- How will your agency’s performance be impacted by the proposed change?
- What are the benefits of the recommended change?
- What are the possible drawbacks of the recommended change?
- What is the fiscal impact of the proposed change?

Complete this section for **each** issue. Copy and paste components A through C as many times as needed to discuss each issue. **See Major Issue Example.**

Major Issue #1 – Proposed abolition of the Anatomical Board of the State of Texas and placing it under the Texas Funeral Services Commission as an Anatomical Advisory Committee.

Abolition of the Anatomical Board of the State of Texas will not resolve any existing problems or issues. It will not only create new issues, and will eventually cost the state additional expensed in expanding another existing agency to fill the void that the SAB used to fill. It will also deplete the public trust and confidence in the Willed Body Donation Programs that have been run effectively and efficiently by our institutions of higher medical education for over 100 years. There is a rapidly growing commercial market based on acquiring human body donations and then parceling these donor bodies out to any customer willing to pay the going rate, resulting in huge profits for these commercial body donation programs who disguise themselves as

“Nontransplant tissue Banks”. The loss of the SAB as the only regulatory agency providing oversight of these entities will result in abuses of human body donor programs seen frequently in other states. Even if the SAB were to be placed under the auspices of the TFSC as an “Anatomical Advisory Committee” an advisory committee is just that – able to give advice. The regulatory oversight would then need to be carried out by an agency that is already understaffed, underbudgeted, and unfamiliar with the special issues that accompany regulation of willed body donation programs and the facilities these donated bodies are transferred to

The current structure of the Anatomical Board of the State of Texas was criticized as being inefficient due to its not having the “typical” structure of other state agencies. In response to these critiques, the Anatomical Board has responded by development of an operational policy and procedure manual, a manual to train and guide facility inspections, new inspection applications and inspection forms, a shortened re-inspection cycle, a revised fee schedule, and a specific list of saturator or TAC violations with accompanying penalties. While the SAB is still unable to hire employees directly, the board is approving the hiring of an administrative assistant and private investigator on an independent contract basis to assist the SAB in functioning as an autonomous state agency. Initially, the SAB will contract with 1.5 full-time equivalents, and grow to three full-time equivalents in the next two years.

Major issue #2 – Loss of regulatory authority over Whole-body Donation Programs operating as “Non-transplant Tissues Banks”

Regardless of the decision of the Attorney General’s office, the Anatomical Board of the State of Texas feels that it is time for more definitive language in Chapter 691 and 692A of the Texas Health and Safety Code and Title 25, Part 4 of the Texas Administrative Code to reflect the current state of affairs in regulating whole body donations for educational and research purposes. This language needs to include 1) who can and cannot solicit these human body donations, 2) the manner in which they should be processed, stored and distributed amongst recognized facilities and institutions, 3) increased authority and resources for the board to inspect approve appropriate facilities, 4) prohibition from transporting any of these human bodies outside of recognized and approved facilities and institutions, and 5) an absolute prohibition of selling human bodies and/or body parts for a profit.

If these companies are allowed to operate and proliferate within the State of Texas, there will be a shortage of bodies available for our educational institutions to teach the next generation of health care professionals the intricate nature and structure of the human body. There will also be an erosion of public confidence followed by a decrease in donations due to the uncertainty of what will really be happening to these bodies once they are turned over to these commercial entities. There will also be an exploitation of solicitation to the elderly, chronically ill, and socioeconomically depressed individuals and families within the state with financial incentives that some of these companies offer to induce these whole-body donations.

Major Issue #3 – Update outdated statutes (THSC 691 and 692A) regulating the formation, and function of the Anatomical Board of the State of Texas and the Uniform Anatomical Gift Act.

The Anatomical Board of the State of Texas in conjunction with the Government Affairs liaisons from the member institutions have developed proposed revisions for the Chapter 691 of the Texas Health and Safety Code. This proposed revision was presented in the Attachment B to this section.

Major Issue #4 – Revenue generation and financial allocations to support the operations of the Anatomical Board of the State of Texas.

The Anatomical Board of the State of Texas has proposed to its members several changes designed to increase revenue generation to support the operations of the board. These changes will be brought before the SAB for a formal vote of approval in a called meeting to be held in January of 2022. Details of these changes were shown in Attachment C to this section. Among the changes will be to implement an annual registration fee for all operating Willied Body Donation programs, an annual registration fee for all approved facilities utilizing anatomical material or cadavers transferred from an operating WBP, an application fee for applying for an initial facility inspection, a direct expense charge to each inspected facility to cover the cost of all facility inspections, shortening the re-inspection cycle from once every five years to once every three years, and increasing the fees for donor cadaver registration and in-state and out-of-state cadaver / anatomical specimen transfers.

Based on our current numbers, it is anticipated that these new fees and fee increases will increase the operating budget of the SAB by approximately \$100,000 annually. While this will support our initial anticipated 1.5 FTE equivalents, it will not support 3.0 FTE equivalents annually, nor will it support development of a centralized office to house the state agency. It is anticipated that the SAB will ask the 2023 legislature for an annual appropriation of \$500,000 to develop a centralized office and direct employment of the needed FTE's to support the increasing workload of this essential state agency

X. Other Contacts

A. Fill in the following charts with updated information on people with an interest in your agency, and be sure to include the most recent email address.

Anatomical Board of the State of Texas

Exhibit 16: Contacts

Interest Groups

(groups affected by agency actions or that represent others served by or affected by agency actions)

Group or Association Name/ Contact Person	Address	Telephone	Email Address
Mr. Glen Bower, Executive Director Texas Funeral Services Commission	333 Guadalupe St, Suite 2-110 Austin, TX 78701	(512) 936-2472	Glen.bower@tfsc.texas.gov
Kevin Myer, President/CEO LifeGift Organ Donation Center	2410 Westridge St. Houston, TX 77054	(713) 523-4438	KMyer@lifegift.org
Patti Niles, President/CEO Southwest Transplant Alliance	8190 Manderville Ln. Dallas, TX 75231	(214) 522-0255	STAINFO@Organ.org
Joseph Nespral, President/CEO Texas Organ Sharing Alliance	5051 Hamilton Wolfe Dr. San Antonio, TX 78229	(210) 614-7030	Communications@TOSA.org
(Maureen Milligan, PhD, President & CEO Teaching Hospitals of Texas	1005 Congress Ave., Suite 830 Austin, TX 78701	(512) 476-1497	THOT@THOTonline.org

Table 18 Exhibit 16 Interest Groups

Interagency, State, or National Associations

(that serve as an information clearinghouse or regularly interact with your agency)

Group or Association Name/ Contact Person	Address	Telephone	Email Address
American Association for Anatomy / Shawn Boynes, Executive Director	6120 Executive Boulevard, Suite 725 Rockville, MD 20852	(301) 634-7910	info@anatomy.org sboynes@anatomy.org
American Association of Clinical Anatomists / Caitlin Hyatt, Executive Director	PO Box 2945 LaGrange, GA 30241	(706) 298-0287	jwhitlow@asginfo.net www.clinical-anatomy.org

Table 19 Exhibit 16 Interagency, State, and National Association

Liaisons at Other State Agencies

(with which your agency maintains an ongoing relationship, e.g., the agency’s assigned analyst at the Legislative Budget Board, or attorney at the Attorney General’s office)

Agency Name / Relationship / Contact Person	Address	Telephone	Email Address
Dennis McKinney/ Liaison / Attorney General’s office	Assistant Attorney General Administrative Law division P.O. Box 12548 Austin, TX 78711	(512) 475-4020	Dennis.McKinney@oga.texas.gov

Table 20 Exhibit 16 Liaisons at Other State Agencies

XI. Additional Information

A. Texas Government Code, Section 325.0075 requires agencies under review to submit a report about their reporting requirements to Sunset with the same due date as the SER. Include a list of each agency-specific report that the agency is required by statute to prepare and an evaluation of the need for each report based on whether factors or conditions have changed since the statutory requirement was put in place. Please do not include general reporting requirements applicable to all agencies, reports that have an expiration date, routine notifications or notices, posting requirements, federally mandated reports, or reports required by G.A.A. rider. If the list is longer than one page, please include it as an attachment. See Exhibit 17 Example.

**Anatomical Board of the State of Texas
Exhibit 17: Evaluation of Agency Reporting Requirements**

Report Title	Legal Authority	Due Date and Frequency	Recipient	Description	Is the Report Still Needed? Why?
NA	NA	NA	NA	NA	NA

Table 21 Exhibit 17 Agency Reporting Requirements

Note: If more than one page of space is needed, please provide this chart as an attachment, and feel free to convert it to landscape orientation or transfer it to an Excel file.

B. Does the agency’s statute use "person-first respectful language" as required by Texas Government Code, Section 325.0123? Please explain and include any statutory provisions that prohibit these changes.

Yes

C. Please describe how your agency receives and investigates complaints about the agency and its operations.

Complaints against the Anatomical Board of the State of Texas may be filed in writing through an online process within the agency's website (<http://sab.state.tx.us/contact>). These may come directly from a member institution, private facility, an applicant for inspection, or a member of the public. The Anatomical Board of the State of Texas has no record of any complaints being filed against it. If the SAB does receive a complaint, the board will keep an information file about each complaint filed with the board relating to its functions. If a written complaint is filed with the board relating to a person or an entity regulated by the board, the board, at least as frequently as quarterly and until final disposition of the complaint, shall notify the parties to the complaint of the status of the complaint unless notice would jeopardize an undercover investigation. The board also gives the public a reasonable opportunity to appear before the board and to speak on any issue under the jurisdiction of the board at each scheduled meeting.

Fill in the following chart detailing information on complaints regarding your agency. Do not include complaints received against people or entities you regulate.

**Anatomical Board of the State of Texas
Exhibit 18: Complaints Against the Agency — Fiscal Years 2019 and 2020**

	Fiscal Year 2019	Fiscal Year 2020
Number of complaints received	0	0
Number of complaints resolved	NA	NA
Number of complaints dropped / found to be without merit	NA	NA
Number of complaints pending from prior years	NA	NA
Average time period for resolution of a complaint	NA	NA

Table 22 Exhibit 18 Complaints Against the Agency

D. Fill in the following charts detailing your agency's Historically Underutilized Business (HUB) purchases. See Exhibit 19 Example. Sunset is required by law to review and report this information to the Legislature.

NA

E. Does your agency have a HUB policy? How does your agency address performance shortfalls related to the policy? (Texas Government Code, Section 2161.003; TAC Title 34, Part 1, Rule 20.286c)

NA

F. For agencies with contracts valued at \$100,000 or more: Does your agency follow a HUB subcontracting plan to solicit bids, proposals, offers, or other applicable expressions of interest for subcontracting opportunities available for contracts of \$100,000 or more? (Texas Government Code, Section 2161.252; TAC Title 34, Part 1, Rule 20.285)

NA

G. For agencies with biennial appropriations exceeding \$10 million, answer the following HUB questions.

- 1. Do you have a HUB coordinator? If yes, provide name and contact information. (Texas Government Code, Section 2161.062; TAC Title 34, Part 1, Rule 20.296)**

NA

- 2. Has your agency designed a program of HUB forums in which businesses are invited to deliver presentations that demonstrate their capability to do business with your agency? (Texas Government Code, Section 2161.066; TAC Title 34, Part 1, Rule 20.297)**

NA

- 3. Has your agency developed a mentor-protégé program to foster long-term relationships between prime contractors and HUBs and to increase the ability of HUBs to contract with the state or to receive subcontracts under a state contract? (Texas Government Code, Section 2161.065; TAC Title 34, Part 1, Rule 20.298)**

NA

H. Fill in the charts below detailing your agency's Equal Employment Opportunity (EEO) statistics. See Exhibit 20 Example. Sunset is required by law to review and report this information to the Legislature. Please use only the categories provided below. For example, some agencies use the classification "paraprofessionals," which is not tracked by the state civilian workforce. Please reclassify all employees within the appropriate categories below.

NA – The Anatomical Board of the State of Texas has no employees.

I. Does your agency have an equal employment opportunity policy? How does your agency address performance shortfalls related to the policy?

NA – The Anatomical Board of the State of Texas has no employees.

XII. Agency Comments

Provide any additional information needed to gain a preliminary understanding of your agency.

The Anatomical Board of the State of Texas is an essential state agency that has operated for over one hundred years without any state financial support, centralized office, or employees. Despite these limitations, the members of the SAB have been diligent in their duties to serve the citizens of the State of Texas and assure them that the donation of human beings for the express purposes of healthcare trainee education, research, and healthcare practitioner skill training sessions be conducted in a moral, ethical, and legal manner. This agency is the only state regulatory agency empowered to prevent the type of abuses* of donated human beings currently seen on other states that do not have an existing anatomical board with statutory authority to oversee all Willed (Whole) body Donation Programs including those operating as “Non-transplant Tissue Banks”.

References to recent published abused of Donated human beings seen in states outside of the State of Texas.

Commercial Willed-body Program Investigative Article Links

<https://www.reuters.com/investigates/section/usa-bodies/>

<https://www.azcentral.com/in-depth/news/local/arizona-health/2019/06/10/despise-state-law-arizonas-body-donation-industry-still-unregulated/2918524002/>

<https://www.azcentral.com/story/news/local/arizona-health/2019/06/10/biological-resource-center-case-drew-spotlight-body-donation-industry/1382255001/>

<https://www.kbtx.com/content/news/513438082.html>

Additional hard print articles will be provided upon request.

Commercial Willed-body Program Video Links

https://www.yahoo.com/news/exclusive-fbi-agents-raid-headquarters-major-u-body-194722855.html?soc_src=hl-viewer&soc_trk=ma

<https://video.search.yahoo.com/yhs/search?fr=yhs-sz-002&hsimp=yhs-002&hspart=sz&p=body+brokers+in+the+news#id=8&vid=ac0759aa136fc2d94ba680eb18f608b5&action=view>

https://www.youtube.com/watch?time_continue=5&v=0EMTAbPqfso&feature=emb_logo

https://www.youtube.com/watch?time_continue=1&v=Ta9NCrPDlvc&feature=emb_logo

https://www.youtube.com/watch?v=oyZFma7Ch0M&feature=emb_logo

Self-Evaluation Report

https://www.youtube.com/watch?v=snjgu_HybSo&feature=emb_logo

https://www.youtube.com/watch?v=i2GYe9J3U1I&feature=emb_logo

<https://www.youtube.com/watch?v=zSDwbncSs4g>

<https://www.youtube.com/watch?v=iE1-F8cADcM>