

EXECUTIVE SUMMARY OF SUNSET STAFF REPORT

Anatomical Board of the State of Texas

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While cadavers have been used to teach anatomy and dissection in the U.S. since at least 1745, willed body programs (WBPs) provide a more recent source of deceased human bodies for use in medical education. These programs allow adults to donate their deceased bodies to further education and research, and serve as a primary resource for higher education institutions and other health professions by ensuring affordable access to cadavers, which are essential for teaching and training. The Anatomical Board of the State of Texas, established in 1907, oversees the distribution of these donated or unclaimed deceased bodies to board-approved higher education institutions for use in medical or forensic science education and research. Today, Texas has 13 WBPs subject to board oversight, including periodic inspections. Additionally, statute allows these programs to transfer donated bodies to other board inspected and approved facilities, including medical training facilities, medical device companies, search and rescue organizations, and other higher educational institutions that do not operate their own WBPs.

The last Sunset review of the board occurred in 1984, more than 35 years ago. Since then, the board has received little attention or interest, particularly from the Legislature, which has made very few statutory changes to the board or its operations. A primary reason for this is that the Legislature did not structure the board to operate like most other regulatory boards and state agencies. The board does not receive any state appropriations, and while it does have limited fee authority, the fees collected totaled only \$48,700 in 2019. The board also does not have authority to hire staff; instead, the board members, representatives from 16 Texas colleges and universities, must perform the board's limited functions.

The board cannot provide effective oversight or adhere to regulatory best practices in its current form.

As required by the Sunset Act, the review questioned the need for and effectiveness of the board's regulation, and considered if alternative methods of performing its regulatory functions could still adequately protect and provide services to the public. The review found Texas continues to have an interest in whole body donations, and allowing for the use of deceased bodies to further medical or forensic science education, while also ensuring the bodies are treated respectfully and ethically. However, Sunset staff ultimately determined without staff or appropriations, the board cannot provide effective oversight or adhere to regulatory best practices. More importantly, the board's actual regulatory

role is minimal and is effectively being performed by the higher education institutions and anatomical facilities it regulates, negating the need for the board.

While the board's mission is to facilitate the distribution of deceased human remains for teaching and research, it is the institutions and their WBPs that actually receive and distribute the deceased bodies with minimal board involvement. The board's main regulatory activity is inspecting and approving WBPs and other anatomical facilities that use cadavers and anatomical specimens transferred from WBPs. However, the inspection process is nominal and infrequent, occurring once every five years, and the board takes few enforcement actions otherwise. Also, board members cannot provide fully objective and comprehensive regulation since they are inspecting other members' facilities, placing them at risk of potentially making anticompetitive and unfair decisions. While Sunset staff found no evidence of this happening, board members performing these inspections creates the appearance of potential conflicts of interest. With all of this in mind, Sunset staff determined Texas' higher education institutions could continue to effectively operate the state's WBPs without the board's oversight or involvement.

However, the review also acknowledges the board's statute and other state regulations have not kept up with the changing nature of the whole body donation industry, resulting in significant regulatory gaps. Currently, statute does not authorize the board to fully regulate the whole body donation industry in Texas, specifically commercial, for-profit body donation companies, including Science Care, that have come into existence since the board's last Sunset review. Currently, Texas law does not clearly consider or provide for regulation of these companies. While relevant to this review, recommending regulation of this relatively new business model clearly falls outside the scope of a Sunset staff review, and is a policy decision best left to the Legislature as a whole, as is recommending additional staffing and funding for boards and agencies to perform their statutory duties.

The following material highlights Sunset staff's recommendations for the Anatomical Board of the State of Texas.

Sunset Staff Issue and Recommendations

ISSUE 1

Texas' Higher Education Institutions Could Continue to Effectively Operate Willied Body Programs Without the State Anatomical Board.

Key Recommendations

- Abolish the Anatomical Board of the State of Texas.
- Authorize colleges and universities with WBPs to form a consortium, and direct them to consider adopting best practices to maintain effective and ethical WBPs in Texas.

Fiscal Implication Summary

Overall, the recommendations would not have a fiscal impact to the state because the board has no staff and does not receive state appropriations. Colleges and universities would continue to operate their WBPs with their existing resources.