

SUBJECT: Consent for use of bodies by mortuary schools

COMMITTEE: Public Health — favorable, without amendment

VOTE: 5 ayes — Berlanga, Hirschi, Janek, Maxey, Rodriguez

0 nays

4 absent — Coleman, Delisi, Glaze, McDonald

WITNESSES: For — Nanette Russell-Scroggins, Jean Coston, Ray Coston

Against — None

DIGEST: HB 1483 would require that for a human body to be transferred to or used by a mortuary school for educational, instructional or research purposes the deceased or the next of kin must have given written consent. The bill also would revoke the designation of schools of mortuary science as "commercial embalming establishments" under VACS art. 4582b.

Transfers of bodies without prior consent would violate state licensing standards for funeral directors, embalmers and provisional licensees and subject violators to administrative penalties.

A consent would have to be given in a document separate from a funeral purchase agreement. Consents would have to comply with provisions in Health and Safety Code Chapter 691 or 692, which governs consent for donating a body for scientific or educational purposes. A consent would have to be maintained as a permanent record at the funeral home and the mortuary school. The bill would authorize the Anatomical Board of Texas to adopt rules governing the use of bodies by mortuary schools as well as the manner of consent required.

The bill would apply only to use of bodies on or after September 1, 1995.

SUPPORTERS SAY: Texas' three schools of mortuary science use human cadavers for educational, instructional and research purposes and should have to obtain family consent for such use. The two private institutions apparently have

not always obtained consent, which has created hardships for some families. In one case in Dallas, a family's request that a body not be embalmed before cremation was ignored, and the body was sent to a school for embalming. The body was not returned to be cremated in time for the memorial service. The family did not discover this situation until much later, causing distress among several members of the family. In addition, some funeral homes have charged full price for embalming and other services after sending the body to a mortuary school that performs those services free of charge.

The requirements proposed by this bill are similar to those imposed on other schools that use cadavers in a clinical setting. The record-keeping requirement for consent papers imposed by this bill is also identical to that required of medical and dental schools.

The traditional academic mortuary school curriculum, like that of the Mortuary Science Program at San Antonio College, allows students to obtain most of their practical experience at funeral homes, not at the school. Any cadavers that are used for instructional purposes are obtained from the Anatomical Board of the State of Texas, which supervises the transfer of bodies donated to science to all clinical education facilities. This bill would simply require all three mortuary schools to follow the same procedures.

Finally, any services that these schools provide to those who cannot afford commercial embalming will still be available; this bill simply would require those schools to tell the families of these people that students will be performing the embalming and to obtain a consent.

**OPPONENTS
SAY:**

Mortuary schools provide a valuable service to the poor by providing embalming services at no charge. By eliminating the designation of the schools as "commercial embalming establishments," the bill would force the poor to seek funeral-home services they may be unable to afford. These schools would also lose a source of revenue because they have performed embalming services under contract with funeral homes, many of which do not have their own embalming facilities. All of these procedures, whether done without charge or for a fee, are done by a licensed embalmer with the

students either observing or assisting in a manner specifically permitted by the Funeral Service Commission.

The Dallas and Houston schools may have a very difficult time trying to obtain bodies for educational purposes unless they pay for them, because very few people will want to take the extra steps of filling out the consent forms without some kind of remuneration.

NOTES:

The three schools of Mortuary Science in Texas are the Commonwealth Institute of Funeral Service in Houston, the Dallas Institute of Funeral Service and the Mortuary Science Program at San Antonio College.