

Institutional Handbook of Operating Procedures
Policy 09.15.01

Section: Clinical Policies	Responsible Vice President: EVP & CEO UTMB Health System
Subject: End of Life Issues	Responsible Entity: Ethics Committee

I. Title

Disposition of Deceased Patients

II. Policy

Following the death of a patient in UTMB Hospitals, the physician pronouncing the death, department staff, Nursing Service, Autopsy Service and the Transportation Department shall cooperate to complete all required Decedent Affairs procedures and documentation. This includes the completion of medico-legal documentation, Authorization for Postmortem Procedures (Form 5012), and disposition of the decedent in a manner sensitive to the grieving family.

A properly executed Form 5012 must be completed for all deaths. For a detailed description of specific roles and responsibilities following deaths occurring in the hospital, emergency department, and UTMB clinics, please visit the Decedent Affairs webpage: <http://www.utmb.edu/decedent/>

To the extent possible, [religious and cultural beliefs](#) with respect to handling deceased patients shall be taken into consideration.

III. Disposition:

The decedent will be released to a funeral home of the family's choice. Remains may be released from the clinical unit (if no autopsy to be performed) or the hospital morgue. The authorized next of kin will indicate choice of funeral home on the Form 5012. Section 3C of the Form 5012 must be signed by the authorizing next of kin and by a witness. In the event that the family has not yet decided on a funeral home, the body may be sent to the hospital morgue, and autopsy staff will follow up with the family and coordinate disposition. Additional details are available at the Decedent Affairs [webpage](#).

IV. Autopsy

A properly executed Authorization for Postmortem Procedures Form 5012 (Form 5012) is required before an autopsy may be performed unless the autopsy will be performed under the jurisdiction of the GCME. An autopsy will be offered at no charge to the decedent's family for all deaths of patients admitted to UTMB hospitals. If an autopsy is not requested or required, the decedent's representative may authorize the release of the body.

For Emergency Department deaths please see the Decedent Affairs webpage: <http://www.utmb.edu/decedent/>

V. Tissue /[Organ Donation](#)

A. Although most organ donations from deceased patients are after the patient has been declared brain dead, some donations can be made after [cardiac death](#). (See IHOP Policies [9.15.9 Determination of Death](#) and [9.15.10 Donation after Cardiac Death](#))

- B. The appropriate Organ Procurement Organization (OPO) based on the location of the UTMB hospital location will be contacted following all patient deaths.

Galveston Campus League City Campus	Southwest Transplant Alliance (800) 201-0527
Angleton Danbury Campus Clear Lake Campus	LifeGift (800) 633-6562

- C. The OPO will determine the decedent’s suitability for organ and/or tissue donation and make a request of the family if appropriate
- D. If an autopsy will be performed, it is the responsibility of the tissue procurement organization to contact the pathologist who will be performing the autopsy prior to tissue procurement. If the medical examiner will be exercising jurisdiction, the tissue procurement organization will contact the County Medical Examiner (CME). Otherwise, for non-medical examiner hospital autopsy cases, the tissue procurement organization will contact the autopsy pathologist-on-call. It will be the responsibility of the CME or UTMB Autopsy Service to communicate with the tissue procurement organization regarding coordination of tissue procurement and post-mortem examination procedures.
- E. **Tissue donation:**
Tissue donation differs from organ donation in that donation can occur up to 24 hours after the patient has been pronounced dead.

VI. Galveston County Medical Examiner (GCME) for Galveston and League City Campuses or Brazoria County Justice of the Peace (BCJP) for Angleton Danbury Campus, or Harris County Medical Examiner for Clear Lake Campus.

- A. The appropriate county medical examiner must be contacted following a patient death if any of the following apply.
 1. The patient died within 24 hours of hospitalization;
 2. The patient was younger than 6 years of age at the time of death (excluding stillborn infants);
 3. The circumstances of the patient’s death are uncertain or unknown;
 4. The patient’s death may have been by unlawful means;
 5. The patient may have committed suicide;
 6. The patient died from unnatural causes, no matter how remote in time (note: verify from prior hospitalizations whether death resulted from an earlier trauma, accident, attempted suicide, near-drowning, poisoning, or burns);
 7. The patient died during a medical procedure; or
 8. The physician is unable to certify with certainty the cause of death.
- B. This applies to all deaths, including the deaths of offenders incarcerated by the Texas Department of Criminal Justice (TDCJ). If you are unsure whether a particular patient’s death is a case for the CME, discuss it with the CME. CME contact information is available via the Decedent Affairs webpage: <http://www.utmb.edu/decedent/>
- C. For deaths falling under the Galveston or Harris CME’s jurisdiction or BCJP (for AD Campus) as outlined above, the Form 5012 **should not** be discussed with the decedent’s next-of-kin as the GCME may perform or BCJP may request such an autopsy without first obtaining consent. If the

GCME, HCME, or BCJP declines to exercise its jurisdiction and authorize an autopsy, the physician attending death may then discuss the options for an autopsy with the decedent's next-of-kin as provided in the Form 5012.

D. Organs and tissues for donation may only be recovered after approval from the GCME or BCJP.

VII. Offender Deaths

A. Texas Department of Criminal Justice (TDCJ)

1. TDCJ officials shall immediately attempt to notify the next-of-kin for offender patients who died of natural causes while under the care of a physician or registered nurse. The decedent's next-of-kin will have eight (8) hours from the time of death to object to an autopsy; otherwise, TDCJ officials will order an autopsy.
2. If an offender's death was not due to natural causes while attended by a physician or registered nurse, the death shall immediately be reported to the Office of Inspector General for TDCJ and the justice of the peace or medical examiner serving the county in which the offender died. The justice of the peace or medical examiner notified shall personally inspect the body and make an inquiry as to the cause of death.

B. Federal Bureau of Prisons (FBOP)

1. In accordance with Chapter 303 of [18 USC §4045](#), a chief executive officer of a federal penal or correctional facility may order an autopsy and related scientific or medical tests on federal offender patients in the event of homicide, suicide, fatal illness, accident, or unexplained death. This is only done when such an autopsy or test is necessary to:
 - a) detect a crime;
 - b) maintain discipline;
 - c) protect the health or safety of other offenders;
 - d) remedy official misconduct; or
 - e) defend the United States or its employees from civil liability arising from the administration of the facility.
2. FBOP officials may also order an autopsy or postmortem procedure with the written consent of a person legally authorized to consent as specified in the 'Authorization for Gifts and Willed Body Program' section below.

VIII. Outpatient Deaths at UTMB Clinic Location

If a patient is pronounced dead at a UTMB clinic location, the appropriate medico-legal authority (Medical Examiner or Justice of the Peace) should be notified. If the patient is transported from a UTMB clinic to a local Emergency Department and is pronounced dead at the local Emergency Department, then that hospital's policies will dictate the disposition.

IX. Anatomical Gifts and Willed Body Program

Donation of a decedent's body may be made to a member institution of the Anatomical Board of the State of Texas (SAB) or another state. Because acceptance criteria and donation procedures vary by institution, the decedent's family/next-of-kin must contact a program to obtain acceptance of the donation. A current list of willed-body programs in Texas can be obtained upon request from the UTMB Willed-Body Program office at (409) 772-1293. If the decedent's family requests anatomical donation information or if the decedent's body has been pre-willed, the body should be sent to the hospital morgue. The legal next-of-kin will be instructed to call the UTMB Willed-Body Program at (409) 772-1293.

X. Unclaimed Bodies

- A. Unclaimed bodies may be reported to the SAB for possible anatomical donation.
- B. The Galveston County Social Service office can provide burial assistance for unclaimed bodies in Galveston.

XI. HIPAA Disclosures

UTMB may use or disclose a decedent's protected health information without first obtaining written authorization or providing an opportunity to agree or object if the use or disclosure is:

- to a coroner or medical examiner for the purpose of identifying a deceased person, determining a cause of death, or other duties as authorized by law;
- to a funeral director, consistent with applicable law, as necessary to carry out UTMB's duties with respect to the decedent; or
- for cadaveric organ, eye or tissue donation purposes.

XII. Definitions

Anatomical Donation: Anatomical donation is the pre-willing or donation of a decedent's body as an anatomical gift.

Organ donation: the process of giving an organ or a part of an organ for the purpose of transplantation into another person.

Unclaimed body: The body of an adult (age 18 years of age or older) who died with no known advance directives in place, or authorized representative or next of kin willing and able to make final disposition of the remains.

XIII. Relevant Federal and State Statutes

[Texas Code of Criminal Procedure Chapter 49](#) (Inquests upon dead bodies)

[Texas Government Code 501.055](#) (Report of an inmate death)

[Texas Family Code Chapter 264](#) (Child Welfare Services)

[Texas Health and Safety Code Chapter 673](#) (Sudden Infant Death Syndrome)

[Texas Health and Safety Code Chapter 691](#) (Anatomical Board of the State of Texas)

[Texas Health and Safety Code Chapter 692A](#) (Revised Uniform Anatomical Gift Act)

[45 CFR §164.512](#) Uses and disclosures for which an authorization or opportunity to agree or object is not required

XIV. Related UTMB Policies and Procedures

[IHOP - 06.02.03 - Use and Disclosure of PHI by Personal Representatives of Minors, Incapacitated and Deceased Individuals](#)

[IHOP - 06.02.16 - Permitted Use and Disclosure of PHI in Special Situations](#)

[IHOP - 09.15.09 - Determination of Death](#)

[IHOP - 09.15.10 - Donation after Cardiac Death](#)

XV. Dates Approved or Amended

<i>Originated: 5/15/1996</i>	
<i>Reviewed with Substantive Changes</i>	<i>Reviewed without Substantive Changes</i>
03/7/2013	01/5/2015
02/04/2020	08/24/2016

XVI. Contact Information

Institutional Ethics Program
(409) 747-1230