

## SUBCHAPTER 39B - COMMISSION OF ANATOMY

### 10A NCAC 39B .0101 BODIES TO BE DISTRIBUTED BY THE COMMISSION

- (a) All interests in and rights to dead bodies not claimed for burial within 10 days of death and received by the Commission shall vest in the Commission. A medical school may receive and store an unclaimed body at the direction of the Commission. The medical school has no right to the body until allocated to the medical school by the Commission.
- (b) All interests in and rights to dead bodies donated to the Commission and accepted by the Commission of Anatomy shall vest in the Commission. A medical school may receive and store a donated body at the direction of the Commission. The medical school has no right to the body until allocated to the medical school by the Commission.
- (c) The Commission has no right to bodies donated to specified donee institutions or persons other than those bodies specifically donated to the Commission.
- (d) The attending physician, acting as donee of the gift of an entire body according to the provisions of G.S. 130A-406(c), may at his discretion transfer the gift to the Commission in the absence of expressed indication that the donor desired otherwise.

*History Note:* Authority G.S. 130A-416;  
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### 10A NCAC 39B .0102 TRANSFER AND STORAGE OF UNCLAIMED BODIES

- (a) The person, institution, or agency having charge or control of an unclaimed body shall notify a member of the Commission. If the Commission member agrees to accept the body, the notifying person, institution, or agency, with the concurrence of the Commission member, shall request a funeral home or other suitable carrier to transfer the body to a medical school. If a commission member cannot be reached, the person, institution, or agency shall contact the nearest medical school to arrange for refrigerated storage of the body until a commission member can be reached.
- (b) The Commission may decline to accept an unclaimed body that is for any reason unsuitable for anatomical study.
- (c) If the body is determined by a commission member to be unacceptable for anatomical study, the person, institution, or agency having charge or control of the body shall make arrangements for the final disposition of the body.
- (d) The body remains in the legal custody of the person, institution, or agency having charge or control of the body until after the expiration of the time required by G.S. 130A-415 following death.
- (e) During the 10 days allowed for determination that a body is unclaimed, the body shall be stored in the nearest refrigerated facility that can provide such storage. The person, institution, or agency having charge or control of the body shall, with the assistance of a member of the Commission, make arrangements for transfer and storage of the body.
- (f) During the period of storage, the person, institution, or agency having legal custody of the body retains responsibility for making reasonable efforts to notify any interested person of the deceased's death.
- (g) If the body is claimed, the storage facility shall be directed in writing by the person, institution, or agency having charge or control of the body to release it, with the claimant or his or her representative being identified.
- (h) If the stored body is not claimed for burial, the medical school receiving it as allocated by the Commission shall pay all reasonable fees for transfer for storage. If the stored body is claimed, the claimant shall pay such fees.

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### 10A NCAC 39B .0103 AUTOPSY OF UNCLAIMED BODY

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**10A NCAC 39B .0104 TRANSFER OF DONATED BODY**

(a) If a body has been donated to the Commission, the next of kin or a responsible representative shall ascertain from a member of the Commission in the nearest medical school whether the body can be accepted.

(b) Unless the estate or one or more members of the family agree to bear the costs, the medical school receiving a body donated to the Commission shall pay all reasonable fees for services rendered in delivery of that body to the medical school.

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**10A NCAC 39B .0105 AUTOPSY OF DONATED BODY**

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**10A NCAC 39B .0106 FUNERAL SERVICES FOR DONATED BODY**

(a) A funeral service with the body present is not precluded by donation. The body may be transferred to a medical school after the service. If there is a funeral service with the body present, the medical school receiving the body shall pay the transportation costs only.

(b) A memorial service with the body absent may be preferred. If a memorial service is conducted, the medical school receiving the body will pay reasonable fees for removal, authorized embalming, and transportation.

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**10A NCAC 39B .0107 DONATED ORGANS**

Any member of the Commission may accept or decline to accept a body donated to the Commission from which donated organs or tissues have been removed.

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**10A NCAC 39B .0108 EMBALMING**

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**10A NCAC 39B .0109 TRANSPORTATION**

**10A NCAC 39B .0110 DISTRIBUTION OF BODIES IN THE CUSTODY OF THE COMMISSION**

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#### **10A NCAC 39B .0111 FORENSIC ANTHROPOLOGY STUDIES**

(a) For the purposes of this Subchapter, "Forensic Anthropology Program" means a university program in a field of study using anthropological techniques of osteological (bone) analysis to assist in the identification of a crime victim, a victim of a mass disaster, or a body that is unidentifiable by standard methods of identification.

(b) The Commission of Anatomy may distribute a body to a forensic anthropology program if the conditions in Paragraphs (c) and (d) have been met and the body falls under one of the following categories:

- (1) the body is an unclaimed body that the chairman of the Commission of Anatomy has determined to be unsuitable for medical studies; or
- (2) the body has been bequeathed or donated to the Commission of Anatomy for forensic anthropology studies.

(c) The chairman of the Commission of Anatomy, or his or her delegate, shall do the following before distributing a body to a forensic anthropology program:

- (1) determine that a body is suitable for forensic anthropology studies;
- (2) direct the person, institution or agency having control of the body to hold the body until it can be established that a forensic anthropology program will accept the body and pay all expenses for the removal, storage, transportation and preparation of the body;
- (3) notify the person, institution or agency having control of the body that the Commission has accepted the body for a forensic anthropology program and that the forensic anthropology program will contact them concerning removal of the body;
- (4) Assign an identifying number to the body that shall be inscribed on the skeletonized remains kept by the forensic anthropology program;
- (5) notify the forensic anthropology program that a body has been accepted for distribution to that program;
- (6) for unclaimed bodies, notify the county director of social services that the body has been accepted by the Commission for a forensic anthropology program; and
- (7) keep a record of all transactions, including the name, sex, age, and date of death of the deceased, who has custody of the body, where the body is being stored, and when custody of the body will be transferred to the forensic anthropology program.

(d) After the director of a forensic anthropology program, or his or her delegate, agrees to accept a body that has been approved by the Commission for distribution to that program, the director shall do the following:

- (1) for unclaimed bodies, assume custody of the body after the ten-day waiting period required by G.S. 130A-415;
- (2) arrange transportation for the body to the forensic anthropology program in a leakproof, airtight container at least equivalent to a Ziegler case;
- (3) attach a document to the body container that clearly states:
  - (A) the destination of the body,
  - (B) that the body is being transported for a forensic anthropology program,
  - (C) that during transportation the body is under the jurisdiction of the Commission of Anatomy, and
  - (D) that the Chairman of the Commission of Anatomy, or his or her delegate, should be contacted at (919) 966-1134 or 966-4131 if any problems arise during transportation;
- (4) keep records of the dates of transportation of the body and the names of the transporters;
- (5) obtain all necessary documents, to be maintained in a permanent record, including but not limited to the notification of death, the death certificate, the burial transit permit, and copies of the bequeathal or donation forms;
- (6) provide a quarterly report to the Chairman of the Commission of Anatomy containing the name, sex, age, and date of death of the deceased and the identifying number assigned to the skeletal remains by the Commission for all bodies received by the program; and
- (7) follow all other applicable Rules in this Subchapter.

(e) A Forensic Anthropology program which initially agrees to accept a body but later refuses to accept the body, shall pay all costs incurred by the Commission of Anatomy for that body.

(f) Skeletal remains of bodies obtained from the Commission shall not be sold. If skeletal remains reach a point where they are no longer useful, they will be cremated and returned to the chairman of the Commission of Anatomy for final disposition. Skeletal or cremated remains of bodies obtained from the Commission may not be reclaimed by or returned to relatives or other interested parties.

*History Note:* Authority G.S. 130A-405; 130A-415; 130A-416; 143B-204;  
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#### **10A NCAC 39B .0112 PAYMENT OF COSTS OF DISTRIBUTION**

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#### **10A NCAC 39B .0113 FINAL DISPOSITION OF REMAINS**

The remains of any body studied or determined to be unacceptable for study after acceptance by the Commission shall be cremated and returned to the family or an agent of the family if it is the wish of the donor or the family. The medical school to which the body was allocated by the commission shall bear the costs of cremation, of a plain container, and of delivery. If directed by the donor or family, or if there is no claimant for the body, the medical school shall make final disposition of the remains.

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#### **10A NCAC 39B .0114 FORMS**

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