



COMMISSIONERS COURT
COMMUNICATION

REFERENCE NUMBER _____

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DATE: 09/17/2024

**SUBJECT: CONSIDERATION AND POSSIBLE ACTION TO TERMINATE
INTERLOCAL AGREEMENT BETWEEN TARRANT COUNTY AND
THE UNIVERSITY OF NORTH TEXAS HEALTH SCIENCE
CENTER CONCERNING TARRANT COUNTY'S BURIAL
PROGRAM**

COMMISSIONERS COURT ACTION REQUESTED

It is requested that the Commissioners Court consider terminating the Interlocal Agreement ("ILA") between Tarrant County and the University of North Texas Health Science Center ("UNTHSC") for the disposition of indigent or unclaimed decedents.

BACKGROUND

On October 2, 2018, the Commissioners Court, through Court Order #128682 approved an ILA between Tarrant County and the UNTHSC for the disposition of indigent and unclaimed decedents. Since its original approval, the ILA was extended in one (1) year increments. The most recent extension occurred on January 9, 2024, when the ILA was approved in Court Order #142387. The current ILA is set to expire on December 31, 2024.

Per the terms of the ILA, either Tarrant County or UNTHSC may terminate the ILA upon thirty (30) days advance written notice to the other party. If termination of the ILA is approved, the Tarrant County Administrator will send written notice of termination to UNTHSC. In addition, the Tarrant County Administrator will explore alternative options for the Commissioners Court to consider at a future meeting in fulfilling the county's statutory obligations under Health & Safety Code sections 694.002 and 711.002(e) for the disposition of indigent or unclaimed remains.

FISCAL IMPACT

There is no fiscal impact associated with this item.

SUBMITTED BY: Administrator's Office

PREPARED BY:
APPROVED BY:

STATE OF TEXAS §

COUNTY OF TARRANT §

INTERLOCAL AGREEMENT

Between

TARRANT COUNTY

And

UNIVERSITY OF NORTH TEXAS HEALTH SCIENCE CENTER

For

DISPOSITION OF INDIGENT AND UNCLAIMED MINOR CHILDREN or ADULT DECEDENTS

WHEREAS, the County of Tarrant, a governmental entity, hereinafter called "County" and located at, 100 E Weatherford St #404, Fort Worth, TX 76196 in Tarrant County, Texas, wishes to enter into an Interlocal Agreement (ILA) with The University of North Texas Health Science Center, hereinafter called "UNTHSC", a State agency located at 3500 Camp Bowie Blvd., Fort Worth, TX 76107 in Tarrant County, Texas, for disposition of the body of a deceased pauper; and

WHEREAS, Section 694.002 of the Texas Health and Safety Code authorizes the County Commissioners Court to provide for the disposition of the body of a decedent pauper by either burial, donation to a medical facility, or cremation; and

WHEREAS, Section 791.011(C)(2) of the Texas Government Code permits agreements between local governments and state agencies to provide a governmental function or service that each party to the contract is authorized to perform individually.

NOW, THEREFORE, THIS ILA IS hereby made and entered into by and between UNTHSC and County upon and for the mutual consideration stated herein:

1.

Upon determination by Tarrant County, that the County is in possession of an adult dead body weighing 600 pounds or less, that is not claimed for burial or requires disposition at County expense, the County may provide the decedent to the UNTHSC for disposition as donation to a medical facility. The decision to provide the decedent to the UNTHSC shall come only after, and consistent with, consideration of those listed, if known, in Section 711.002 (a) of the Texas Health and Safety Code, and the religious affiliation of the deceased individual.

II.

The UNTHSC will accept the adult decedent provided by the County and process the decedent in compliance with applicable laws and established Texas State Anatomical Board policies and procedures for willed bodies, including disposition of any remains. All decedents, including, without limitation, decedents with infectious diseases, will be handled and boxed for cremation by UNTHSC employees. County shall notify UNTHSC when any infectious disease cases are provided by County to UNTHSC.

III.

The Term of this ILA shall commence on January 1, 2024 through December 31, 2024. The manner and means for receipt and handling of the body of a deceased pauper by UNTHSC will be governed by terms and conditions separately described by a process mutually agreed upon by and between County and UNTHSC which may be modified from time to time as the parties collectively determine is consistent with the Texas Health and Safety Code, and to meet the purpose, intent and needs of the parties. Either party may terminate the ILA upon thirty (30) days advance written notice to the other party or upon mutual consent. This ILA may be annually renewed upon mutual written agreement.

IV.

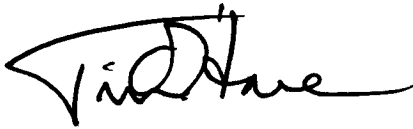
County and UNTHSC agree and acknowledge that each entity is not an agent of the other entity and that each entity is responsible for its own acts, forbearance, negligence and deeds, and for those of its agents or employees in conjunction with this ILA, to the extent allowed by Texas law.

V.

Compliance with Laws. In providing the services required by this Agreement, UNTHSC must observe and comply with all applicable federal, state, and local statutes, ordinances, rules, and regulations, including, without limitation, workers' compensation laws, minimum and maximum salary and wage statutes and regulations, and non-discrimination laws and regulations. UNTHSC shall be responsible for ensuring its compliance with any laws and regulations applicable to its business, including maintaining any necessary licenses and permits.

COUNTY OF TARRANT, TEXAS

THE UNIVERSITY OF NORTH TEXAS
HEALTH SCIENCE CENTER



BY: Judge Tim O'Hare


DocuSigned by:



BY: Remptor Louis

Chief Financial Officer

APPROVED AS TO FORM



Criminal District Attorney's Office

By law, the Criminal District Attorney's Office may only approve contracts for its clients. We reviewed this document as to form from our client's legal perspective. Other parties may not rely on this approval. Instead those parties should seek contract review from independent counsel.

**TERMS, CONDITIONS AND PROCEDURES RELATING TO DISPOSITION
OF INDIGENT AND UNCLAIMED DECEDENTS**

Between
TARRANT COUNTY
And
UNIVERSITY OF NORTH TEXAS HEALTH SCIENCE
CENTER

RECITALS

- An interlocal agreement was heretofore entered into by and between Tarrant County ("County") and The University of North Texas Health Science Center (UNTHSC) for the disposition of bodies of deceased paupers.
- The interlocal agreement contemplated that the County and UNTHSC would provide for the manner and means for receipt and handling of the body of a deceased pauper by UNTHSC by a separate document.
- This document governs the terms and conditions for receipt and handling of the body of a deceased pauper by UNTHSC.
- This process may be modified by mutual agreement from time to time as the parties determine to be consistent with the Texas Health and Safety Code, and to meet the purpose, intent and needs of the County and UNTHSC.

POLICY

It is the policy of Tarrant County Commissioners Court as authorized under TEXAS HEALTH AND SAFETY CODE, §694.002, TEXAS LOCAL GOVERNMENT CODE, §81.027, and other applicable statutes, to provide for the disposition of remains of qualifying indigent persons in Tarrant County (County), by allowing for donation of eligible decedents under §694.002 to University of North Texas Health Science Center (UNTHSC).

ELIGIBILITY CRITERIA

An eligible decedent must i) be a resident of Tarrant County, and ii) there are absolutely no resources from the estate or from family members to cover costs of disposition, and iii) is not a person subject to the provisions of Chapter 49, TEXAS CODE OF CRIMINAL PROCEDURE.

PROCEDURE

1. Subject to and consistent with the provisions of Chapter 49 TEXAS CODE OF CRIMINAL PROCEDURE, the UNTHSC Willied Body Program (UNTHSC) will be the first point of contact to determine the disposition of indigent deceased Tarrant County residents after due diligence has been conducted by UNTHSC to assure that no deceased is subject to the provisions of Chapter 49, TEXAS CODE OF CRIMINAL PROCEDURE. UNTHSC will work with the office of the Tarrant County Medical Examiner to accomplish this due

diligence. UNTHSC staff will be available 24 hours a day to accept calls and make removals when necessary.

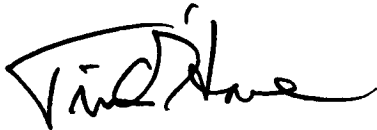
2. Subject to the provisions of these procedures, the County will donate to UNTHSC an eligible decedent if he/she:
 - a. left no person authorized to make the disposition election decision under Texas Health and Safety Code §711.002;
 - b. is determined to be indigent; and
 - c. is not known to have practiced a religious custom that otherwise governs the manner of disposition.
3. UNTHSC will exercise diligent efforts to ascertain whether the deceased practiced any religious custom that otherwise governs the manner of disposition and consider the religious affiliation of the deceased individual to determine if any known canons, practices, or beliefs of such religion oppose, or would be undermined by, accepting such deceased body to its medical facility or an eventual cremation.
4. UNTHSC will exercise diligent efforts to ascertain the identities, if any, of any next of kin of the deceased, including the existence of any person listed under TEXAS HEALTH & SAFETY CODE §711.002(a).
5. UNTHSC will make contact with any of the following persons, in the priority listed below, who will have the right to control the disposition, including cremation or donation to UNTHSC of the decedent's remains, or who shall inter the remains and be liable for the reasonable cost of interment:
 - (a) person designated in a written instrument signed by the deceased;
 - (b) surviving spouse of deceased;
 - (c) surviving adult child of the deceased;
 - (d) surviving parent of the deceased;
 - (e) surviving adult sibling of the deceased;
 - (f) a duly qualified executor or administrator of the deceased's estate; or
 - (g) adult person in the next degree of kinship in the order named by law to inherit the estate of the deceased.
6. UNTHSC will determine if deceased was indigent and discuss TEXAS HEALTH & SAFETY CODE §711.002 disposition options with families including cremation, donation or burial, and factors bearing on these options such as age of deceased, religion, veteran status, etc.
7. If the §711.002 authorized person fails to make final arrangements or appoint another person to make final arrangements for disposition of the deceased before the earlier of 6 days after receiving notice of decedent's death or by the 10th day after the decedent's death the authorized person is presumed to be unable or unwilling to control the disposition and his/her right to control the disposition is passed to any other person in the same statutory priority class under §711.002(a), or if none, to the next priority class listed in §711.002(a).

9. UNTHSC will require §711.002 authorized persons to execute Tarrant County's Election on Disposition of Remains form, confirming the election made by the person authorized to make the disposition decision under §711.002.
10. UNTHSC will inform those families who reject the option of donation to medical research that they have a cremation option at Tarrant County's expense with return of the ashes to the family. Cremation will be arranged and handled by UNTHSC at the cost to Tarrant County of \$300 per cremation.
11. UNTHSC will invite families of donors to its Legacy of Life Ceremony, organized each year specifically for the donor families. Families will have an opportunity to visit the UNTHSC campus, meet the medical staff and health professional students and learn how the gift of donation benefited their education, contingent on current protocol for public gatherings.
12. If deceased was 17 years of age or younger, the only option discussed will be cremation with ashes being return to the family and UNTHSC will provide to the deceased family an acknowledgment that the deceased will not be used for medical training or research purposes, but will only be cremated with ashes returned to the family.
13. If the deceased is a veteran with family and the family elects not to donate to UNTHSC or allow for disposition by cremation, UNTHSC will assist veterans' families with coordinating arrangements for burial at DFW National Cemetery. UNTHSC will coordinate all approvals with DFW National Cemetery for the veteran burial. The family will then be referred to a funeral home of their choice for removal and burial at DFW National Cemetery. If the veteran has no family and is not able to be utilized for medical education and research the veteran will be cremated and interred at DFW National Cemetery. If the veteran is able to be utilized for medical education and research upon completion of the studies the veteran will be cremated and interred at DFW National Cemetery.
14. If the decedent's family has religious objections to cremation or donation to UNTHSC, UNTHSC will refer them to a funeral home that accommodates their religious beliefs and customs for the family to make their own arrangements.
15. UNTHSC will discuss with families the options of the Willied Body Program for those decedents not otherwise excluded by age, religion or the request for veteran burial. UNTHSC will explain that if donation to the Willied Body Program for medical research is chosen, there is no cost to the family. After medical studies are complete and the deceased is cremated, the ashes will be returned to the family, if wanted. In addition, UNTHSC will discuss with the family disposition options for the deceased's ashes. Those options include the return of ashes to the family, burial of ashes at DFW National Cemetery for qualifying veterans, or burial (spreading of ashes) at sea, with each option at no cost to the donor's family.
16. UNTHSC will prepare and submit to the County the necessary paperwork for acceptance by UNTHSC as required by Texas State Anatomical Board and *Texas Health and Safety Code*.

17. UNTHSC will provide County with notice of non-acceptance of donated deceased within 30 days of removal.
18. At the first of each month, UNTHSC will furnish to the County:
 - a. a listing of each deceased accepted by UNTHSC for medical education or research;
 - b. a listing of each deceased not accepted by UNTHSC for medical education or research;
 - c. an invoice listing each cremation performed that month and reflecting whether the family elected cremation directly, or if the body was not useable to UNTHSC for donation and thus cremated;
 - d. a death certificate;
 - e. cremation affidavit; and
 - f. the "Election on Disposition of Remains" form.
19. If a death certificate cannot be obtained for fetal remains weighing less than 350 grams, or if the weight is unknown, a fetus aged 20 weeks or less as calculated pursuant to 25 Texas Administrative Code § 181.7, UNTHSC will furnish to the County a document certifying a death certificate was not mandatory and could not be obtained for the fetal remains. The document shall state the specific reason a death certificate was not mandatory and detail any efforts to obtain a fetal death certificate. This document shall be considered an "other death record" under Health and Safety Code§ 716.051(2).
20. For each cost of cremation owed by the County, UNTHSC will provide an explanation as to the reason for cremation (e.g., unsuitable for medical education or research by UNTHSC, etc.).
21. If a family agreed to donation but the donor was unsuitable to UNTHSC for medical education or research purposes, UNTHSC will cremate and return ashes to the donor family at no charge to the county.
22. UNTHSC will handle the decedent in compliance with applicable laws and established Texas State Anatomical Board policies and procedures and will at all times handle the decedent in keeping with acceptable standards of healthcare practice, dignity and respect, including in the manner and means of disposition of any remains.

Agreed this 17th day of September, 2023. 2024


COUNTY OF TARRANT, TEXAS



By: Judge Tim O'Hare

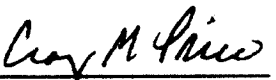
THE UNIVERSITY OF NORTH TEXAS
HEALTH SCIENCE CENTER

Designated by:



By: Kempton Louis
Chief Financial Officer

APPROVED AS TO FORM


Criminal District Attorney's Office

By law, the Criminal District Attorney's Office may only approve contracts for its clients. We reviewed this document as to form from our client's legal perspective. Other parties may not rely on this approval. Instead those parties should seek contract review from independent counsel.