

**Title 20. Public Health and Welfare**

**Chapter XIV. Division of Developmental Disabilities Services, Department of Human Services**

**Subchapter A. Generally**

**Part 545. Autopsy, Donation of Body, Burial, and Cremation**

**Codification Notes.** This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "Policy 1014"

"Replacement Notation: This Policy replaces DDS Policy #1014, dated July 17, 1980, October 16, 1980, January 8, 1987, March 15, 1993, and December 1, 1993."

"Effective February 20, 2003"

**Subpart 1. Generally**

**20 CAR § 545-101. Purpose.**

(a) This part outlines the procedure to be followed by the Division of Developmental Disabilities Services regarding the performance of an autopsy (postmortem examination) on the body of an individual who expires while:

- (1) Residing in a facility operated by the division; or
- (2) Being served by a program licensed by the division.

(b) This part explains parameters for the donation of a body for the purpose of medical research.

(c) This part states the division position on cremation.

**Authority.** Arkansas Code §§ 20-48-205, 20-48-210.

**20 CAR § 545-102. Scope.**

This part is directed to all employees and licensees of the Division of Developmental Disabilities Services.

**Authority.** Arkansas Code §§ 20-48-205, 20-48-210.

**20 CAR § 545-103. Definition.**

(a) "Forensic autopsy". An autopsy is considered to be a forensic examination when it is requested by the coroner, sheriff, chief of police, or prosecuting attorney of the county where the death occurred or was discovered.

(b) A forensic autopsy is performed by the State Crime Laboratory (see Arkansas Code § 12-12-318).

**Authority.** Arkansas Code §§ 20-48-205, 20-48-210.

**20 CAR § 545-104. Autopsy.**

(a) **Forensic autopsy.** The onsite administrator or community program director shall follow the instructions of one (1) of the officials listed in 20 CAR § 545-103.

(b) **Reporting of suspicions as to cause of death.** When any person, including but not limited to the Secretary of the Department of Human Services, the Director of the Division of Developmental Disabilities Services, a Disability Rights Arkansas, Inc. representative, the director of a Division of Developmental Disabilities Services-licensed program, a superintendent of a human development center, or a deceased individual's attending physician, parent or parents, guardian, or next of kin has a concern regarding the cause of death of a person receiving services from any division program or facility and believes an autopsy is warranted, this concern should be reported immediately to an official listed in 20 CAR § 545-103 as well as to the Director of the Division of Developmental Disabilities Services.

(c) **Donation by a client of own body for medical research.**

(1) If a client has chosen to donate his or her body for medical research, the person in charge of the body upon death shall notify the Department of Anatomy,

University of Arkansas for Medical Sciences, that the body is available for use in medical research (reference Arkansas Code § 20-17-705).

(2) The Department of Anatomy normally will accept all bodies that meet certain criteria.

(3) A list of these criteria may be obtained by contacting the University of Arkansas for Medical Sciences.

(d) **Burial.**

(1) **Persons authorized to claim a body for burial.** If a client has chosen to be buried, any of these persons may claim a body for burial:

(A) A relative;

(B) The next of kin;

(C) A friend;

(D) Any representative of a fraternal society of which the deceased was a member; or

(E) A representative of any charitable or religious group.

(2) **Body unclaimed for burial.**

(A) If a body has not been claimed for burial by one (1) of the persons named in subdivisions (d)(1)(A) – (E) of this section after forty-eight (48) hours, the person in charge of the body shall notify the Department of Anatomy, University of Arkansas for Medical Sciences, that the body is available for use in medical research (reference Arkansas Code § 20-17-703).

(B) The Department of Anatomy normally will accept all bodies that meet certain criteria.

(C) A list of these criteria may be obtained by contacting the University of Arkansas for Medical Sciences.

(e) **Cremation.**

(1) **Need for evidence.**

(A) The cause of a person's death may be questioned at a later date.

(B) Evidence must therefore be preserved should a forensic autopsy be ordered by one (1) of the authorities noted in 20 CAR § 545-103.

(2) **Position on cremation.**

(A) In order to safeguard evidence, the division will not arrange for, fund, or encourage cremation.

(B) The onsite administrator or the community program director will notify the division, Disability Rights Arkansas, Inc., and the Office of Long-Term Care when an intention to cremate is voiced by the person claiming the client's body.

**Authority.** Arkansas Code §§ 20-48-205, 20-48-210.