



February 3, 1965

M. D. Overholser, M.D.
Secretary
Missouri State Anatomical Board
Columbia, Missouri

Dear Dr. Overholser:

This is in answer to your request for an opinion of this office as to whether the Immaculate Conception Clinic of Structural Medicine located in Kansas City, Missouri, herein called the "Clinic" is entitled to receive unclaimed dead bodies from the Missouri State Anatomical Board.

The disposition of unclaimed bodies by the Anatomical Board is governed by Sections 194.120 - 194.180, RSMo 1959. Section 194.120 provides in part:

"1. That the heads of departments of anatomy, professors and associate professors of anatomy at the educational institutions of the state of Missouri which are now or may hereafter become incorporated, and in which said educational institutions human anatomy is investigated or taught to students in attendance at said educational institutions, shall be and hereby are constituted the Missouri State Anatomical Board, * * *.

"2. The board shall have exclusive charge and control of the disposal and delivery of dead human bodies, as described in sections 194.120 to 194.180, to and among such educational institutions as under the provisions of said sections are entitled thereto."

Sections 194.130, 194.140 and 194.160 set out the procedure by which proper educational institutions desiring to receive dead bodies may do so. Inasmuch as the Clinic has indicated its ability and willingness to comply with this procedure, the question is: Is the Clinic a proper educational institution as defined in Section 194.120 entitled to receive dead human bodies?

The Clinic is operated by one Dr. E.J. Auckley, who is registered in this state as a Doctor of Osteopathy. In a letter to the Board, Dr. Auckley stated that the Clinic is an incorporated college chartered to teach the Marian Method of Structural Manipulation to be used primarily for the treatment of poliomyelitis and related diseases. The work involves strict manual manipulation of the musculo-skeletal system and no internal medicine, O.B. or surgery is used by a graduate of the school unless he holds an M.D. degree. The course is a seven year course and a graduate thereof is awarded a D.S.M. degree which apparently means Doctor of Structural Manipulation. Dr. Auckley states that at this time, he has only one student who is in her sixth year of college and one graduate student that will study dissection with the first student.

An investigator for the Anatomical Board investigated the facilities at the Clinic and in a letter to the Board, among other things, stated:

"Dr. Auckley, owner of the school, met me and showed me to a two room house just south of his living quarters. One of the rooms was a bedroom that occupied by a small child, a patient of Dr. Aukleys. The other room, measuring approximately 12 by 16 ft., was being used as living quarters by a Miss Shirley Granger, the one student that the School has enrolled.

"This room was furnished with a range, refrigerator, sink, table and chairs, divan, rocking chairs, etc. The type of furnishings one would expect to find in a combination kitchen, dining and living area.

"There was no evidence of any provisions to care for cadaver material. When asked, Dr. Auckley stated that the cadaver would be kept in this room and that the teaching and dissection would be done here also.

"At the time of my visit there were no facilities available for teaching human anatomy by dissection of human material and no indication that any would be provided in the near future."

It is also our understanding that Miss Granger is a victim of polio and is being treated by Dr. Auckley as a patient.

The statutes authorizing the distribution of dead bodies do not provide a definition of the term "educational institution", nor do we attempt in this letter to provide a comprehensive definition of the term. However, we do not feel that the Clinic as it is now operated constitutes such an educational institution either in its generally accepted meaning or as it is used in the statutes. The pertinent statutes contemplate an "institution" where students are given a formal education in the anatomy of the human body by teachers and professors trained to give such an education. It would be unreasonable to find that the statutes were intended to include a "Clinic" which consists of a two-room outbuilding with no teaching or clinical facilities with one or two semi-student patients taught by a person, who although a doctor of osteopathy, has not provided any record of any training in the field of education.

The applicable statutes also seem to contemplate a careful and orderly disposal of dead bodies for educational purposes. Again it would be unreasonable to find that the Board would be required to distribute dead bodies to anyone who purports to set up an educational institution regardless of whether this "institution" has any facilities of using or keeping such bodies.

Therefore, in our opinion, the Immaculate Conception Clinic is not an educational institution as the term is used in Sections 194.120 - 194.180 and is not entitled to receive a dead human body under provisions of these statutes.

Very truly yours,

NORMAN H. ANDERSON
Attorney General