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4800.00.00 BURIAL ASSISTANCE (C)

This chapter includes policy and procedures on the following:

- Estate of the Deceased (Section 4805);
- Maximum Payments for Burial Expenses (Section 4810);
- Submission of Burial Claims to the DFR (Section 4815);
- Consideration of Burial Claims by the DFR (Section 4820);
- Verification by Central Office of Burial Contributions (Section 4825);
- Available Death Benefits (Section 4830); and
- Footnotes for Chapter 4800 (Section 4899).

Deceased TANF recipients are eligible for Burial Assistance. Payment is made by the Local Office of the Division of Family Resources. The State reimbursement is 60% of the amount expended by the Local Office.

A recipient is eligible for Burial Assistance regardless of where their death occurs or whether the funeral and interment takes place in Indiana or elsewhere.

An individual who was receiving TANF cash assistance at the time of death, or who applied for benefits prior to his death and was subsequently determined eligible is eligible for Burial Assistance. (f1)

4805.00.00 ESTATE OF THE DECEASED (C)

The estate consists of all assets, including both real and personal property, owned by the deceased recipient. An estate need not be established by formal legal proceedings. However, the value of the estate may be established by the

DFR and a determination made of the total amount payable for burial expenses. The total value of the real and personal property may be considered, but the DFR will not sell such property since this exceeds its legal authority.

If it is determined that the estate can make full or partial payment, the funeral director and/or cemetery representative are to be advised that they should file a claim against the estate.

4805.05.00 RESOURCES OF THE DECEASED (C)

The resources of the deceased recipient, such as a burial trust, bank account, or personal funds remaining on account in a nursing home, shall be used to meet burial expenses. The funeral director and/or cemetery representative must obtain these funds as payment for burial expenses in accordance with Indiana Probate Code (IC 29-1-1 et seq.).

Nursing home administrators should be guided by their own legal counsel regarding the disposition of deceased residents' resources. The DFR will not offer advice in this area.

4810.00.00 MAXIMUM PAYMENTS FOR BURIAL EXPENSES (C)

The maximum allowable burial assistance payments are \$1,200 for the funeral director's expenses and \$800 for cemetery expenses, for a total of \$2,000. The age of the deceased is not a factor in the amount of any payment.

4810.05.00 PAYMENT FOR FUNERAL DIRECTOR'S EXPENSES (C)

If there are no other resources, payment not to exceed \$600 (including sales tax) will be paid to meet the expenses of the funeral director. (f2)

The funeral director's expenses include:

reasonable expenses connected with preparation of the body, including cremation;

purchase of necessary clothing;

purchase of a casket;

funeral services;

transportation of the body; and

professional services of the funeral director.

**4810.05.05 Computation of Funeral Director's Payment
(C)**

Relatives and/or friends may contribute as much as they wish toward the funeral expenses of the deceased recipient. However, all contributions and the resources of the deceased must be considered when determining the amount, if any, of the funeral expenses to be paid by the DFR.

An amount of \$1750 in contributions and resources is exempted in the computation of the amount of the payment to the funeral director. (f3) Contributions and payments made from the estate of the deceased recipient in excess of the \$1750 exclusion are subtracted from the statutory maximum of \$1,200. The balance of the funeral director's unpaid expenses, up to the statutory maximum of \$1,200, will be paid.

4810.05.05.05 Contributions/Resources of \$2950 or More (C)

If all contributions plus the resources of the deceased total \$2,950 or more, none of the funeral director's expenses will be paid.

**4810.05.05.10 Contributions/Resources of \$1750 to \$2,950
(C)**

If all contributions plus the resources of the deceased exceed \$1750, but are less than \$2,950, the \$1,200 maximum payment from state funds to the funeral director will be reduced dollar for dollar by the amount in excess of \$1750. The funeral director will be paid up to \$1,200 or the amount of his unpaid expenses, whichever is less.

EXAMPLE 1:

Contributions = \$1850 Funeral Expenses = \$3,000

\$1850 - \$1750 (exclusion) = \$100

\$1,200 (maximum payment) - \$100 = \$1,100

Payment to Funeral Director = \$500

purchase of a special wooden box or concrete slab when required by cemetery authorities;

the cost of renting a lowering device; and

tent and artificial grass, if required by cemetery authorities.

Cremated remains must be buried in a cemetery in order to receive payment for burial expense. A cremation vault on its own will not be considered a cemetery expense.

A monument or headstone is not considered a cemetery expense.

If there are no other resources, payment not to exceed \$400 shall be paid to meet the cemetery expenses. (f4)

4810.10.05 Computation of Cemetery Payment (C)

Relatives and/or friends may contribute as much as they wish toward the cemetery expenses of the deceased recipient. However, all contributions and the resources of the deceased must be considered when determining the amount, if any, of the funeral expenses to be paid.

An amount of \$400 in contributions and resources is exempted in the computation of the amount of the payment to the cemetery. (f5) Contributions and payments made from the estate of the deceased recipient in excess of the \$800 exclusion are subtracted from the statutory maximum of \$400. The balance of the cemetery's unpaid expenses, up to the statutory maximum of \$800, will be paid.

4810.10.05.05 Contributions/Resources of \$400 or More (C)

If all contributions plus the resources of the deceased total \$1,200 or more, the cemetery representative's expenses will not be paid.

4810.10.05.10 Contribution/Resources Of \$800 To \$1,200 (C)

If all contributions plus the resources of the deceased exceed \$400 but are less than \$1,200, the \$800 maximum payment from state funds to the cemetery will be reduced dollar for dollar by the amount in excess of \$400. The cemetery representative's payment will be up to \$800 or the amount of his unpaid expenses, whichever is less.

EXAMPLE 1:

Contributions = \$500 Cemetery Expenses = \$1,200

\$500 - \$400 (exclusion) = \$100

\$800 (maximum) - \$100 = \$700 payment to cemetery

4810.10.05.15 Contributions/Resources of \$400 or Less (C)

If all contributions plus the resources of the deceased total \$400 or less, the cemetery representative's payment will be \$800 or the amount of his unpaid expenses, whichever is less.

EXAMPLE 1:

Resources = \$300 Cemetery Expenses = \$1,500

\$300 - \$400 (exclusion) = \$0

Payment to cemetery = \$800 (maximum)

4815.00.00 SUBMISSION OF BURIAL CLAIMS TO THE DFR (C)

Except as provided in Subsection 4815.05.00, the funeral director and the cemetery representative are to file separately for payment of the deceased recipient's burial expenses. (f6) The form used for this purpose is State Form 35937 (R3/3-04)/ FM0033 Application and Claim for Funds to Defray Burial Costs of Medicaid Aged, Blind, and Disabled Recipients. (When a determination has been made by the DFR that the estate of the deceased recipient could make full or partial payment for burial expenses, the claimant must attach documentation to the claim to substantiate that the estate was insufficient to pay the burial expenses.

4815.05.00 SUBMISSION OF CEMETERY CLAIM BY FUNERAL DIRECTOR (C)

A funeral director may file and receive payment for cemetery expenses if he attaches proof to the claim that:

he is the cemetery representative; or
he has been designated such by the cemetery representative.

In addition, the funeral director must attach a receipt for the cemetery expenses to the claim form. If there was no

charge for opening and closing the grave, a notation to this effect must be entered on the claim by the funeral director. If the funeral director is designated as the cemetery representative, cemetery claims submitted by any other party will not be paid.

4820.00.00 **CONSIDERATION OF BURIAL CLAIMS BY THE DFR**
(C)

The payment of funeral and cemetery expenses is based upon the charges for burial expenses, the existence of other funds to meet such expenses, and the legal maximum payments from public funds. The DFR is to investigate the resources of the deceased recipient and record a summary of the findings and any additional pertinent information on the reverse side of the burial claim form. The amounts paid by all other sources toward burial expenses should be verified by the DFR before a recommendation for payment is made.

If the DFR determines that payments made toward burial expenses are insufficient to cover the costs, and payment of the claim is to be approved by the DFR, the Director of the DFR shall:

Certify that State Form 35937 (R3/3-04)/ FM0033 is in proper form and that the amount being recommended for payment is correct based on information submitted by the funeral director or the cemetery representative;

sign the form; and

file copies in the deceased recipient's case record.

4825.00.00 **VERIFICATION BY THE DFR OF BURIAL**
CONTRIBUTIONS (C)

In the event inaccurate information was recorded on the funeral and/or cemetery claim regarding the amount of the individual contribution, the DFR will follow up. If it is determined that there was collusion, misrepresentation, or apparent fraud on the part of the funeral director and/or the cemetery representative to obtain more payment, the DFR will refer the case for prosecution.

4830.00.00 PAYMENT FOR BURIAL EXPENSES (C)

Recommendations for payment of funeral and cemetery expenses of deceased recipients are to be submitted for final approval to the Director of Medicaid Burials, 702 Goodwin Place, Suite A, Kendallville, IN 46755. After final approval claims will be submitted for payment to FSSA Administrative Services-Burials, 402 W Washington Street PO Box 28, Indianapolis, Indiana 46204 Any business receiving payment from the Auditor of State must have a Vendor Information Form, State Form 53788 (R2/10-09)., Request For Taxpayer Identification Number and Certification, on file in the State Auditor's office. If a business has never received payment through the State Auditor's office, a State Form 53788 (R2/10-09). W-9 must be attached to each business' initial claim form. Remittance will be made directly to the claimant.

After the Director of the DFR has approved the claim as explained in section 4820.00.00, he enters the date the County Board approved the payment, signs the form, and files the original with the County Auditor for payment. Copies are filed in the deceased recipient's case record.

Once payment has been made by the County Auditor for the DFR, Form FM0039, Claim for Reimbursement of Burial Expenses under Part III of The Welfare Act of 1936, is to be completed in triplicate with the Director's signature for reimbursement. The original is sent to FSSA Financial Management, PO Box 7128, County Reimbursement, Indianapolis, Indiana 46207-7128, the second copy is sent to the County Auditor and the third copy is retained in the Local Office.

Reimbursements of burial expenses are made to vendors by direct deposit in the account on file through completed vendor information form, State Form 53788 (R2/10-09).

4835.00.00 INSURANCE SETTLEMENTS (C)

A surviving relative of a deceased recipient may be the beneficiary of a cash settlement from a life insurance policy on the deceased.

The insurance settlement is the income or resource of the surviving relative. However, if all or part of the

insurance settlement is used to meet the burial expenses of the deceased recipient, the funds used for burial expenses are to be considered a contribution from a relative.

If the surviving relative is also an applicant or recipient, the insurance settlement may affect his eligibility depending on the program involved.

4899.00.00 FOOTNOTES FOR CHAPTER 4800

- (f1) 470 IAC 10.3-6-1; 405 IAC 2-4-1
- (f2) IC 12-14-6-1; IC 12-14-17-2
- (f3) 12-14-6-3; IC 12-14-17-4
- (f4) IC 12-14-6-2; IC 12-14-17-3
- (f5) IC 12-14-6-4; IC 12-14-17-5
- (f6) IC 12-14-6-5; IC 12-14-17-6