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The Indigent Burial Program was revised as a result of an increase in the burial rate. All four forms, the OFS-BU-1, Application for Burial Benefits, OFS-BU-2, Affidavit of Responsible Relative, OFS-BU-3, Affidavit of Burial Costs, and DF-67-A, Burial Billing Form, have also been revised. The Funeral Director Handbook was revised and will be mailed directly to all Mortuaries registered with the West Virginia Board of Embalmers.

Please note that the major revision consist of one rate (\$750) which will be applied to ALL burials. There is no longer an adult or child burial rate.

THIS REVISED POLICY WILL BECOME EFFECTIVE NOVEMBER 10, 1997.

Please contact Bob Kent at 558-8290 if you have any questions.

19.5 INDIGENT BURIAL PROGRAM

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19.5 INDIGENT BURIAL PROGRAM

A. Introduction

The purpose of the Indigent Burial Program is to provide a decent burial for persons who die and have no resources to pay for the interment costs at the time of death.

B. Eligibility Requirements

When making the decision regarding the eligibility for payment of the burial rates, the Worker must give consideration to the following criteria.

1. Residence

The deceased must have been a resident of West Virginia at the time of death in order to be eligible for a burial payment. (See exception below.) Individuals who have left West Virginia for the purpose of residing in other states (or who have become residents in other states) and later de cease are ineligible for Burial Program benefits.

2. Exception to the Residence Requirement

One exception applies to the residence requirement. This occurs when a non-resident of West Virginia deceases while traveling or visiting in the state and has no family, friends, or institution in the state of his residence that will assume responsibility for the funeral arrangements or otherwise claim the body. The Worker must verify that this situation exists before the case may be found eligible for payment.

3. Need

Resources of the deceased shall consist of readily available liquid assets such as, but not limited to, life insurance policies, burial trust funds, cash, checking and/or savings accounts, certificates of deposits, etc.

Finally, the maximum allowable payment is used to establish the amount of resources (i.e., payment received from sources other than the Department) that may be received by the funeral home before the maximum burial rate is reduced. The maximum allowable payment for burials may not exceed \$1,950. The amount of resources that are EXEMPTED before being applied to the burial rate is \$1,200 (exempted resources amount of \$1,200 + burial rate of \$750 = \$1,950). THEREFORE THE DEPARTMENT WILL NOT PARTICIPATE IN THE BURIAL COSTS WHEN THE TOTAL AMOUNT OF RESOURCES RECEIVED BY THE FUNERAL DIRECTOR FOR A BURIAL IS \$1,950 OR MORE. When the amount of resources exceeds \$1,200 but is less than \$1,950, that amount (the excess) will be deducted from the adult burial rate.

6. Interment Plans

The following instructions describe the casket and merchandise that must be used when the Department makes payment for burial. In addition, certain types of allowable interment plans are described.

The burial rate will include the funeral service, casket, outside wood or concrete box, clothing and transportation. There is no extra allowance for local or long distance transportation for the deceased.

a. Casket and Casket Size

The following is a description of the type of casket WHICH MUST BE USED when the Department is making payment of the burial rate:

A casket shall be at least but shall not exceed a Flat Top or Oval Top constructed with wood or wood products and covered with such exteriors as doeskin, lambskin, moleskin, plan or embossed cloth. The outside container shall consist of wood or concrete box.

NO CASKET OR OUTSIDE CONTAINER OTHER THAN THAT AS DESCRIBED ABOVE SHALL BE USED UNLESS

7. Application Submittal Deadline

Payment for burial expenses CANNOT BE MADE unless the application form has been completed and the applicant found eligible for payment AND the date of interment or cremation did not occur more than 30 days prior to the date of application.

C. Burial Rate

The burial rate of \$750 is the MAXIMUM amount that will be disbursed by the Department. This rate will apply for ALL burials. Under no circumstances is this rate negotiable regardless of the specific burial plan desired by the applicant.

D. Development of Resources

The development of resources is a joint responsibility of both the Department and the funeral home director. However, the Department's activity in the development of resources is limited to the estate of the deceased and only in situations when the estate is sufficiently valued to obtain up to \$750 reimbursement to the Department.

The funeral director may develop resources from many different sources. Whenever the director develops an amount of resources that exceeds the exempted resource amount (\$1,200) the Department will deduct this amount from the rate. When the funeral director receives resources which exceed the exempted resource amount AFTER payment is received from the Department, the Department must be reimbursed by the funeral home director.

of \$1,950 before the resources are deducted from the burial rate.

Examples:

	Resources	Program Benefit	Total Maximum Payment
#1	\$1,200	\$750	\$1,950
#2	\$1,350	\$600	\$1,950

2. Resources Due the Department

The Department is entitled to receive resources from the following sources:

- The deceased's estate and
- Reducing the amount of the appropriate burial rate by applying that amount of resources (developed by the funeral director) which exceeds the exempted resource amount as explained above.

a. Form OFS-BU-3, Affidavit of Burial Costs

The Department will seek reimbursement of burial costs by filing the Affidavit of Burial Costs with the office of the County Clerk having jurisdiction of the deceased's estate (the county in which the deceased maintained his residence or the county in which the deceased owned real estate).

This action is taken only when the value of the deceased's estate warrants such action. The Worker must attempt to obtain sufficient information about the deceased's estate in order to make decisions to seek reimbursements. If the Worker determines that the minimum value of the estate is \$750 after the costs of administration are deducted, the decision should be to seek reimbursement.

3. Resources Due the Funeral Director

a. Types of Resources

It is the responsibility of the person who made the funeral arrangements and the funeral director to apply for and develop the following potential resources which may be available to meet burial expenses:

- (1) Statutory Death Benefit Plans
 - (a) Social Security
 - (b) Veteran's Administration
 - (c) Worker's Compensation
 - (d) United Mine Worker's Association
 - (e) Other statutory death benefits
- (2) Private Death Benefit Plans
 - (a) Life Insurance
 - (b) Prepaid Burial Trusts
 - (c) Other private death benefit plans
- (3) Contributions from friends and relatives
- (4) Automobile Liability Insurance
- (5) Other

b. Treatment of Resources

All resources will be treated alike, regardless of whether the deceased was a recipient of public assistance or any other type of benefit from the Department or other agencies. Please note that the treatment of resources discussed in this section is EXCLUSIVE of resources received by the Department from the deceased's estate as discussed above.

Please note that a spouse is NOT considered under state law a responsible relative liable to pay the burial costs.

In many situations, other relatives (spouse, nephew, niece, etc.) who are NOT legally liable for payment of burial costs will take the responsibility for arranging the burial and make applications for burial expenses.

3. Completion of Form OFS-BU-1, Application for Burial Benefits

Form OFS-BU-1 must be completed when an individual has requested payment for burial. Payment for burial expenses CANNOT BE MADE unless this form has been completed and the applicant found eligible for payment AND the date of interment or cremation did not occur more than 30 days prior to the date of application.

Generally, the county in which the individual resided at the time of death will assume the responsibility for accepting the application and making payment for eligible individuals. When the individual did not die in the county of his residence, the following instructions will apply:

- When the deceased dies in another county or state while visiting or receiving medical treatment, the county of residence will assume responsibility for accepting the application and making payment.
- When the deceased dies in a state institution or nursing home, that facility will contact relatives who will take charge of the burial arrangements. In most situations, the relatives will have the deceased returned to the county in which he resided prior to his death. When this occurs, the county in which the deceased has been returned will accept the application and process payment.
- Situations may occur, however, when the person who has taken charge of the funeral arrangements (including the institution or

order to assure that family and relatives have been notified and are aware that the deceased will be buried in West Virginia.

Section C - Your Relationship to the Deceased

If the applicant indicates that he is a , father, brother or sister or mother of the deceased (liable relative), he MUST complete Form OFS-BU-2, Affidavit of Responsible Relative. If the applicant indicates that he is not a liable relative, he will be REQUESTED to complete Form OFS-BU-2 for the purpose of developing potential resources.

Section D - Need and Estate of the Deceased

The applicant must place an "X" on the line next to the statement which indicates his knowledge of whether the deceased's estate had sufficient resources equal to the maximum allowable payment. If the applicant places an "X" on the second line, he is indicating that the estate had at LEAST \$1,950 in resources to pay for the burial costs. When this occurs, the case will be found ineligible for a burial payment.

Section E - Heirs of the Deceased

The applicant must complete this section which involves questions about the heirs of the deceased.

Section F - Resources

The applicant must indicate the type and amount of resources received or to be received toward the burial expenses. It will be the responsibility of the applicant to report this accurately and completely. It may be necessary for the applicant to contact the funeral director regarding this item to insure accuracy. Finally, the Worker should inform the applicant that the DF-67-A burial billing form submitted by the funeral director will be compared with Section F for discrepancies.

relative refuses to complete the form, the application will be denied.

- When the applicant is a relative who is NOT LIABLE for the burial costs, the Worker will REQUEST the relative to complete the form for the purpose of developing resources. However, he may refuse to complete the form. If so, the application CANNOT BE denied.
- When the applicant is not a relative of the deceased, the Worker will NOT request the applicant to sign the form.

The completion of the form is self-explanatory. The Worker shall explain to the person signing the form that witness signatures are required only when the person signs the form with his "mark". In this situation, the persons who act as witnesses must actually see the person place his "mark" on the form.

5. Decision on the Application

After the applicant has completed the application form (OFS-BU-1) and the Affidavit of Responsible Relative (OFS-BU-2), the Worker can take the appropriate action on the application:

- Have all questions on the application form been answered by the applicant and has the form been signed and dated by the applicant? The Department will NOT make payment if the OFS-BU-1 form is not completed or completed improperly.
- If a LIABLE RELATIVE made application, has the Affidavit of Responsible Relative been completed? If not, the application must be denied.
- Did the relative who signed the OFS-BU-2 form, Affidavit of Responsible Relative, agree to pay for the burial costs? If so, the application will be denied.
- Did the applicant indicate in Section D of the OFS-BU-1 form that the deceased had

director. The purpose of this procedure is to provide authorization for payment since payment to the funeral director is handled through the Office of Financial Services.

3. Responsibilities of the Financial Clerk

The Financial Clerk will receive the DF-67-A, Burial Billing Form, from the funeral director. Upon receipt of this invoice, the Financial Clerk will be responsible for pre-auditing and editing. Items to be reviewed before submittal for payment are:

- F.E.I.N. in the upper right-hand corner
- County number and mailing address
- Legible vendor name and mailing address
- Correct payment amount on Line Item 7 or Item 9
- Date of Death
- Date of Interment
- Proper signatures.

Upon completion of the audit, the Financial Clerk must stamp the DF-67-A with a certification stamp and sign and date the spaces made by the stamp. Next, an original and four copies of the DF-67-A will be submitted to the Office of Financial Services. All back-up material pertaining to the burial will remain in the county office.

When the Office of Financial Services prepares a check and it is ready for distribution to the vendor, a copy will be made and attached to a copy of the DF-67-A. This information will be returned to the appropriate area office. The copy of the check will be attached to the OFS-BU-3 and mailed by the Financial Clerk to the County Clerk.

In order for the Financial Clerk to have a record of burials submitted for payment, a Log for Burial Payments will be maintained in each area office. On this log, the following items are suggested:

requested from the Department and/or resources due the funeral Director.

In order to use this computation procedure, it is first necessary to compute the amount of payment requested from the Department as outlined on the DF-67-A, Burial Billing Form, Items #2 through #7.

Secondly, the ACTUAL COST incurred in providing the burial is used in computing the amount of payment entitled to the funeral home.