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AUTHORITY: Southwest Health and Human Services – Human Services Board

# MN Statute §261.035, MN Statue §256.935, MN Statute §261.035, MN Statute §390.21,

# MN Statute §524.3-805, MN Statute §261.04

**---FINAL DISPOSITION POLICY---**

In accordance to Minnesota Statute 261.035, Southwest Health and Human Services has developed the following policy to allow for the disposition of the person’s remains in which an ability to privately pay does not exist. This policy meets the minimum requirement to dispose of the person’s remains and still be considered dignified. Under this policy, the disposition method paid for by SWHHS will be by cremation. If it is determined that cremation is not in accordance with the decedent’s religious or cultural beliefs, an exception may be considered. All exception requests must be made in writing and will be reviewed on a case-by-case basis and approved by the Agency Director or their designee.

**Section 1 - Eligibility Requirements for an Agency Paid Disposition**

**Applications & Prior authorization**

Any agency paid disposition requires prior approval by Southwest Health and Human Service for any services rendered.

 Application for Payment of Income Maintenance Final Disposition must be completed by the family or designated individual. An interview is required. The agency is not able to complete an application on behalf of the deceased. The eligibility decision will be communicated to the designated individual and funeral director prior to any services being provided.

**Residency**

To be eligible for an agency paid disposition, the deceased must be a resident of one of the counties within SWHHS:

* If the decedent was open on a public assistance case, SWHHS must be the agency of financial responsibility (CRF)
* If the decedent was not open on a public assistance case, the decedent must have a last known address within the counties of SWHHS based on verification (i.e. lease agreement, rent document, utility bill, etc.)

**Benefit Determination**

* **Resources**
	+ Resources owned by the deceased or responsible relative at the time of death are considered available to help defray the burial costs. “Responsible relative” is defined as the surviving spouse or parent(s) of a minor child.
	+ Resources include pre-paid burial arrangements, bank accounts, life insurance, trust accounts, vehicles, real estate, assets, death benefits, etc. to which the deceased and/or responsible relative are entitled (including Veteran’s benefits, Social Security Death Benefit, joint bank accounts, nursing home trust fund and/or social welfare fund).
	+ All available resources of the deceased, or the responsible relative, must be applied to the maximum agency contribution. No disposition expenses will be paid if resources are sufficient to pay the burial costs.
* **Excluded Resources**
	+ Exclude $1,000 if there is a surviving spouse, or minor children or both (Maximum exclusion is $1,000)
	+ Exclude the 1st home, if there is a surviving spouse or a minor child over the age of sixteen years old in the household
	+ Exclude one vehicle for the surviving spouse or a minor child in the home of legal driving age
* **Crowdfunding**
	+ Any crowdfunding sources such as benefits, fundraisers or online sources such as GoFundMe accounts, solicited to pay for burial expenses will be considered an available asset(s) to offset the disposition costs. Any crowdfunding benefits raised to help pay for medical expenses of a deceased recipient of Medical Assistance will be considered available if the Medical Assistance Program covered all medical expenses. Any outstanding medical bills of the deceased that are not covered by Medical Assistance may be paid by a crowdfunding source as an allowable expense, however, any remaining balance in the crowdfunding source will be considered an available asset to help offset the disposition costs. Any funds being raised via crowdfunding, benefits or fundraisers may be subject to recovery for reimbursement of the county paid disposition costs.
* **Property Evaluation**
	+ In situations where the deceased person does not have adequate liquid assets for burial purposes but does own real property, an agency disposition will not be approved. It will be the responsibility of the funeral director to submit a claim against the deceased person’s estate, inasmuch as reasonable funeral expenses are a priority claim pursuant to Minnesota Statute §524.3-805 (a) (2).
* **Vehicle Evaluation**
	+ Vehicles more than 15 years old will be assigned a countable value of $300.00 unless the applicant can provide a dealer assessment or National Automobile Dealers Association (NADA) verification showing a value of less than $300.00. This provision does not apply to collector vehicles. Vehicles less than 15 years old and collector vehicles will be assigned a countable value equal to that of the NADA evaluation.

**Authorized Services**

If the agency assumes financial responsibility for final disposition, the arrangements cannot exceed the agency limits. In unusual circumstances, if prior-approved by the agency, additional expenses may be covered.

Agency payment must be accepted as payment in full for a SWHHS agency funded disposition. An agency funded disposition is not intended to supplement other monies available for disposition services.

**A responsible relative or other person cannot pay privately above the agency approved amount and would instead pay the entire cost of the disposition. This also includes visitation and/or funeral services.**

In being financially prudent to county tax payers, immediate disposition must be held Monday through Friday.

Per MN Statute §256.935 Funeral Disposition Payment by County Agency, the Minnesota Family Investment Program (MFIP) will fund any disposition if the decedent was a recipient of MFIP at the time of death. No county dollars will be expended if there is eligibility for MFIP disposition funding.

This policy is applicable to fetuses of 20 weeks or more, stillborns, or any live births.

**Section 2 - Basic Services**

* Direct Cremation
	+ Amount of payment is not to exceed $3800 for the following services: Professional services, transfer of the body, and cremation process.
	+ Additional payments can be authorized for general transportation for removal beyond 25 miles up to a maximum of 200 miles at $2.00 per loaded mile.
	+ Amount of payment allowed for urn is $100
* Immediate Burial (Religious Exception Only)
	+ Amount of payment is not to exceed $3800 for the following services: Professional services, transfer of the remains and use of funeral coach.
	+ Additional payments can be authorized for general transportation for removal and/or burial beyond 25 miles up to a maximum of 200 miles at $2.00 per loaded mile.
	+ Amount of payment for burial are as follows:
		- Casket $750
		- Liner $ 900 (if required by the cemetery)
		- Cemetery Lot and Grave (opening and closing) at cost

In accordance with Minnesota Statute 261.04, Southwest Health and Human Services shall have claim against the estate of a deceased person who received a county funded disposition. Please also refer to Administrative Policy #25 Funeral Allowance for Medical Assistance Estate Claim Policy.

**ALL BILLS RECEIVED FROM THE FUNERAL HOME MUST BE ITEMIZED**

Agency Forms Regarding This Policy:

ELIG #009 – Application for Payment of Income Maintenance Final Disposition

ELIG #032 – Final Disposition Payment Authorization Form

ELIG #083 – Cover Letter

ELIG #084 – Declaration and Claim of Funeral Director for Payment of Income Maintenance Final Disposition

ELIG #118 – Estate Claims Fact Sheet Referral to Collections

ELIG # 011 - Request for Immediate Burial