

STATE OF VERMONT
AGENCY OF HUMAN SERVICES

DCF

Department for Children and Families

BULLETIN NO.: 10-08F

FROM: Pam Dalley, Interim Deputy Commissioner
Economic Services Division

DATE: October 11, 2010

SUBJECT: General Assistance Burial Rules

CHANGES ADOPTED EFFECTIVE 10/28/10

INSTRUCTIONS

- Maintain Manual - See instructions below.**
- Proposed Regulation - Retain bulletin and attachments until you receive Manual Maintenance Bulletin: _____**
- Information or Instructions - Retain Until _____**

MANUAL REFERENCE(S):

2671	2673	2675	2677
2672	2674	2676	P-2690

This bulletin changes General Assistance rules on burials at public expense to implement the legislative directives in Act 156, "An Act Making Appropriations for the Support of Government," (June 3, 2010). It also changes the burial rules in response to a comment from funeral directors on emergency rules Bulletin 10-06E filed in accordance with the emergency rulemaking process authorized in section E.321.4 of Act 156. Except for this change in response to the comment, the rule changes in this bulletin are identical to those in the emergency rule bulletin.

This bulletin changes the Department for Children and Families' (DCF) practice of paying for burials authorized under 33 VSA §2301 by implementing a maximum payment by the department of \$1,100 designed to cover the full cost of a basic burial or cremation. The department may approve eligibility for financial assistance with burial expenses when available resources of the deceased and surviving spouse are less than this maximum payment. The funeral director and the party making the funeral arrangements must both sign an invoice attesting to an itemized accounting of burial expenses submitted for payment by the department. Family members other than the decedent's spouse, friends, or other individuals may pay for additional services not paid for by the department. This bulletin modifies the definition of "burial" and adds a definition of "funeral," as specified in Act 156.

Responding to a comment from funeral directors on the emergency rule Bulletin 10-06E, this bulletin also changes the requirement for reducing the department's maximum payment for burial expenses by applying a surviving spouse's resources against the expenses. The change excludes a spouse's contribution of up to \$255 in disregarded resources from the amount applied against expenses for which the department would be responsible.

This bulletin specifies the amount of the maximum payment by reference to General Assistance burial procedures (included for reference).

Specific Changes to Rule Sections

Table of Contents	Replaces "Allowable Expenses, Burial" with "Maximum Payment for Burial Expenses" at 2674.
2671	Modifies definition of "burial" and adds definition of "funeral" specified in Act 156. Replaces reference to obsolete district manager position with the general term "the department."
2672	Replaces reference to obsolete district manager position with the general term "the department."
2673	Replaces eligibility requirement B specifying that the deceased lacks sufficient resources to pay all of the total allowable burial expenses with the requirement that the available resources of the deceased and the surviving spouse are less than the department's maximum payment for burial expenses. Removes requirement C. Replaces reference to obsolete section on "Provision for Payment" with reference to section 2676, <u>Payment for Burial</u> .
2674	Changes subsection name from <u>Allowable Expenses, Burial</u> to <u>Maximum Payment for Burial Expenses</u> . Modifies subsection 2674 to make it consistent with Vermont law that the department will not pay any burial expenses if the available resources of the deceased and the surviving spouse equal or exceed the department's maximum payment for burial. Adds provision that other individuals may contribute toward burial and funeral expenses. Removes references to professional services and interment and other related services and to the maximum amount that funeral directors may charge for professional services specified in procedures at P-2690.
2674.1	Removes subsection 2674.1, <u>Professional Services, Burial</u> .
2674.2	Removes subsection 2674.2, <u>Other Expenses, Burial</u> .
2675	Adds clarification that "total resources" means the assets of the deceased and surviving spouse. Replaces "total allowable expenses" with "maximum payment for burial expenses" as the resource limit for eligibility. Removes "contributions" from the list of types of liquid or available resources.

- 2676** Removes references to obsolete Professional Services Allowable Total Maximum and Professional Services Payment Maximum in procedures. Removes references to payments for specific items. Adds provision that friends or relatives may contribute toward burial expenses not paid by the department, the deceased, or the surviving spouse. Excludes a spouse's contribution of up to \$255 in disregarded resources from the amount applied against expenses for which the department would be responsible.
- 2677** Modifies the requirement for an itemized accounting by specifying that the appropriate billing form must be signed by the funeral director and the party making the funeral arrangements. Removes provision requiring additional invoices for "other related expenses."

Specific Changes to Procedures

- Table of Contents** Replaces "Allowable Burial Expenses" at P-2690 with "Maximum Payment for Burial Expenses."
- P-2690** Renames subsection P-2690 "Allowable Burial Expenses" as "Maximum Payment for Burial Expenses." Adds \$1,100 limit on General Assistance payment for burial expenses for an eligible individual. Removes obsolete limits on Professional Services and Other Expenses.

Rulemaking Process

A. Informal Public Input Process

1. The proposed rule was filed electronically with the Interagency Committee on Administrative Rules (ICAR) on July 16, 2010. ICAR took official action on the proposed rule electronically during the week of July 19, 2010.
2. The proposed rule was filed with the Secretary of State and the Legislative Committee on Administrative Rules (LCAR) on July 22, 2010.
3. The Secretary of State published notice of rulemaking on their website on July 28, 2010 and in newspapers of record on August 5, 2010.
4. DCF posted the proposed rule on its website <http://dcf.vermont.gov/esd/rules> and notified advocates, funeral directors, and members of the public of the proposed rule.
5. DCF met with representatives of the funeral directors association on August 26, 2010.

B. Formal Notice and Comment Period

1. A public hearing was held on Friday, August 27, 2010 at 1:00 p.m., in the DCF Commissioner's Conference Room, 5 North, State Office Complex, Waterbury, Vermont . There were no public attendees.
2. The deadline for written comments was 4:30 p.m. on Friday, September 3, 2010 to Stella Bukanc, Policy Analyst, Economic Services Division, DCF; 103 South Main Street, Waterbury, Vermont 05671-1201, stella.bukanc@ahs.state.vt.us. Fax: (802) 241-2235. No comments were received.
3. DCF filed copies of the final proposed rule with the Secretary of State and the Legislative Committee on Administrative Rules (LCAR) on September 22, 2010.
4. DCF presented the rule to LCAR on Thursday, October 7, 2010.
5. DCF filed the final rule on October 13, 2010.
6. The rule is effective on October 28, 2010.

For information on upcoming hearings before the Legislative Committee on Administrative Rules go to the website of the Vermont Legislature at: <http://www.leg.state.vt.us/schedule/schedule2.cfm> or call 828-5760.

Vertical lines in the left margin indicate changes.

Manual Maintenance

If you print copies of on-line rules for a printed manual, remove the pages in the "Remove" column on the left and replace them with the pages in the "Insert" column on the right. When deleted rules are not replaced with updated rules or when interpretive memos are removed, the "Insert" column says to insert "Nothing."

General Assistance Rules

<u>Remove</u>		<u>Insert</u>	
TOC 2600 P.2	(10-06E)	TOC 2600 P.2	(10-08)
2671	(10-06E)	2671	(10-08)
2672	(10-06E)	2672	(10-08)
2673	(10-06E)	2673	(10-08)
2674	(10-06E)	2674	(10-08)
2675	(10-06E)	2675	(10-08)
2676	(10-06E)	2676	(10-08)
Interpretive Memo opposite 2676	(7/3/2003)	Nothing	
2677	(10-06E)	2677	(10-08)

General Assistance Procedures

Remove

Insert

TOC (10-06E)
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Burial Arrangements

2671 Burial Arrangements (10/28/10, 10-08)

For purposes of rules 2670 through 2677, “burial” means the final disposition of human remains, including, interring or cremating a decedent and the ceremonies directly related to that cremation or interment at the gravesite. “Funeral” means the ceremonies prior to burial by interment, cremation, or other method.

The department shall make the decision on eligibility and level of payment; and shall be responsible for making the burial arrangements in situations where no relative, friend, or interested person is available. Unless the decedent or the decedent’s family has expressly requested an alternative arrangement, the decedent’s body shall be cremated. It is not the policy of the department to make bodies available for the advancement of anatomical science in those instances when no family or friends are known. Autopsies are performed only under regulations of the State pathologist, who pays related expenses.

Application for Burial

2672 Application for Burial (10/28/10, 10-08)

: The department will cooperate with the funeral director, other agencies and persons to obtain
: information to determine in a specific instance whether or not the department will be responsible for
: all or part of the payment of burial expenses.

Burial Eligibility

2673 Burial Eligibility (10/28/10, 10-08)

Eligibility for department financial participation in burial expenses shall be approved when all of the following requirements are met:

- A. Department for Children and Families is responsible under the provision of 33 VSA § 2301 and
- B. Available resources of the deceased and the surviving spouse (2675) are less than the maximum payment for burial expenses.

Payment of burial expenses shall not be issued until a full accounting of burial expenses and resources has been completed and the department has determined that the burial fulfills the provisions at rule 2676, Payment for Burial, and payments made will not exceed the maximum prescribed in procedures section P-2690.

Maximum Payment for Burial Expenses

2674 Maximum Payment for Burial Expenses (10/28/10, 10-08)

The department will pay no more than the maximum specified in Procedures at P-2690 for burial expenses for an eligible individual. If available resources of the deceased and the surviving spouse (2675) equal or exceed the maximum payment, the department will not pay any burial expenses. This provision does not preclude the funeral director from accepting contributions from other individuals toward burial and funeral expenses.

Any change in the dollar amount specified in Procedures P-2690 for the Maximum Payment for Burial Expenses that represents an increase relative to the dollar amount that immediately precedes the change shall be carried out via a procedures change. Any change in the dollar amount specified in Procedures P-2690 for the Maximum Payment for Burial Expenses that represents a decrease relative to the dollar amount that immediately precedes the change shall be accomplished only by following the Administrative Procedures Act process for regulatory changes.

Resources, Burial

2675 Resources, Burial (10/28/10, 10-08)

Payment will be denied if the available resources of the deceased and surviving spouse equal or exceed the maximum payment for burial expenses. "Available resources" are "total resources" less a \$255 disregard.

The department representative will explore the existence and availability of all resources. Since many death benefits are negotiable by a surviving spouse or other individual, it is essential that a clear understanding exists that such benefits shall be deducted from the allowable expenses in accordance with the provisions for payment.

Liquid or available resources include, but are not limited to, the following: stocks, bonds, cash on hand or in a bank or other financial institution, lump sum death benefits, proceeds of life insurance policies, and employee death benefits. Such resources are available to pay burial expenses and must be treated in accordance with the section on provisions for payment. Available resources shall not include contributions that family, other than the deceased's spouse, or friends provide to the funeral director.

When the deceased individually owns real or personal property (other than the above), the value of which exceeds the total cost of burial, the request for burial payment shall be denied if there was no surviving spouse or dependent children residing with the deceased at the time of his or her death. If the value of such real or personal property does not exceed the total cost of burial, it shall be disregarded.

Payment for Burial

2676 Payment for Burial (10/28/10, 10-08)

Contributions from friends or relatives may be used to pay burial expenses not paid by the department, the deceased, or the surviving spouse.

Available resources of the deceased and surviving spouse shall be applied against those expenses for which the department would be responsible for the purpose of reducing the maximum payment for burial expenses. If the surviving spouse contributes all or some of the \$255 in excluded resources to burial expenses, the contribution shall not be applied against those expenses for which the department would be responsible.

Towns and funeral directors requesting reimbursement for burial expenses under Vermont law must do so on the appropriate departmental billing form. Reimbursement to a town is made on an "as paid" basis up to a maximum of \$250.00 for total burial expenses.

Payment Process, Burial

2677 Payment Process, Burial (10/28/10, 10-08)

Payment shall be authorized only when an itemized accounting of specific burial expenses that are to be provided at public expense is received at State Office on the appropriate billing form that includes the signatures of the funeral director and the party making the funeral arrangements.

10/28/10

Bulletin No. 010-08

P-2690

P-2690 Maximum Payment for Burial Expenses (2673)

GA will pay no more than \$1,100 for burial expenses for an eligible individual.