



St. Louis County Public Health and Human Services (SLCPHHS) Burial Procedure

Effective: 01/01/2020

Updated: 12/31/2019

I. PURPOSE

In accordance with Minnesota Statutes § 261.035, SLCPHHS will provide for the immediate disposition or direct cremation for residents of the county who are otherwise unable to pay the cost of disposition of their remains.

Per Minnesota Statutes § 256.935, MFIP (Minnesota Family Investment Program) will fund a burial if the decedent was a recipient of MFIP at the time of death, and the individual is otherwise eligible for burial assistance. No county dollars will be expended if there is eligibility for MFIP burial funding.

II. AUTHORITY

This procedure is based on the following authority:

MN Statute § 261.035 Cremation, Burial, and Funerals at Expense of County

MN Statute § 256.935 Funeral Expenses, Payment by County Agency

MN Statute § 390.21 Disposition; Burial

MN Statute § 261.04 Liability of Estate

SLC County Board Resolution 13-70, County Burial Policy, adopted February 5, 2013

SLC County Board Resolution 13-768, County Burial Rates, adopted December 17, 2013

SLC County Board Resolution 07-61, Medical Examiner Fee, adopted February 13, 2007

III. APPLICATION PROCESS

- Anyone may apply for burial assistance on behalf of a decedent; applicants are not required to be next of kin. Relatives, friends, social workers, nursing home and hospital staff, and other concerned parties may submit an application. A funeral home director may be an applicant in cases where no other person is making burial arrangements.
- Applications for burial assistance must be made before any funeral services are held unless weekends, holidays or extraordinary circumstances prevent a timely application. Exceptions require supervisory approval. Funeral services may be completed prior to the county's eligibility determination of the burial assistance application, so long as an application has been received by SLCPHHS.
- Application must be made in writing to SLCPHHS using the Application for St. Louis County Burial, form PHHS #02-05-0256.
- An interview is not required unless requested by SLCPHHS.

- Eligibility for burial assistance can only be determined after a completed application is submitted to SLCPHHS. Determination of eligibility for county burial assistance will be made after the receipt of all required information. Required information includes:
 - A completed and signed application form;
 - Resource verifications of the decedent and responsible relatives. For purposes of this burial procedure, a responsible relative is defined as a surviving spouse or parent(s) if the deceased is a minor child;
 - Any other requested verifications needed to determine eligibility.
- If an application is incomplete or received without required verifications, SLCPHHS will allow the application to pend for up to 30 days from the application date awaiting verifications. It is the applicant's responsibility to follow through with the application process. If all required verifications are not received within 30 days of the application date, the application will be denied.
- SLCPHHS will determine eligibility and method of final disposition.
- Final authorization will be in writing and provided to the funeral home and applicant using form PHHS #02-05-0105 Notice of Action.
- An itemized receipt showing goods and services provided by the funeral home must accompany the final invoice submitted to SLCPHHS.

IV. RESIDENCE

To be eligible for St. Louis County burial assistance, the deceased must be a resident of St. Louis County at the time of death.

- If the decedent is a recipient of public assistance at the time of death, St. Louis County must be the county of financial responsibility (CFR).
- If the decedent is not a recipient of public assistance at the time of death, proof of the decedent's residence in St. Louis County must be submitted.

V. ELIGIBILITY DETERMINATION

Resources owned by the deceased or responsible relative at the time of death, or within 30 days prior to death, are considered available to help defray the burial costs. SLCPHHS requires verification of all resources owned by the decedent and their responsible relative in order to make a determination of eligibility.

If available resources are \$2,200.00 or less, burial assistance will be approved. If available resources are greater than \$2,200.00, the burial assistance application will be denied.

If burial assistance is approved, the amount of assistance SLCPHHS will pay towards the burial rate is reduced proportionally by the value of the available resources owned by the decedent and the responsible relative, not to exceed the burial rate limit. The burial assistance applicant is responsible to ensure that counted resources of the decedent and responsible relative are paid directly to the burial provider. If other resources are discovered or become available to the deceased's estate, the county must be notified immediately by the applicant.

i. Available Resources

Available resources include, but are not limited to, pre-paid burial arrangements, bank accounts, cash, life insurance, trust accounts, nursing home trust funds, social welfare funds, vehicles, real estate, jointly owned assets, and death benefits (including Veteran's Administration, Social Security Administration, and Help for Victims of Violent Crimes) to which the deceased and/or responsible relative are entitled. The responsible relative must apply for any and all available death benefits.

Any crowdfunding sources, such as fundraisers or GoFundMe accounts, solicited to pay for burial expenses will be considered an available resource to the decedent. Any crowdfunding benefits raised to help pay for the medical expenses of a deceased Medical Assistance recipient 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 resource to the decedent. Any funds raised via crowdfunding may be subject to recovery to reimburse county paid costs.

ii. Excluded Resources

Exclude from resources of the responsible relative:

- one home that is the primary residence of the responsible relative,
- one vehicle for the responsible relative or a minor child of driving age

iii. Evaluation of Property

If the deceased does not have adequate liquid resources to pay for burial costs but does own non-liquid resources above the resource limit, a county burial 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 Statutes § 524.3-805 (a)(2).

iv. Evaluation of Vehicles

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.

VI. METHOD OF FINAL DISPOSITION

If prepaid funeral arrangements have been made, the final method of disposition will be implemented in accord with the instructions of the deceased.

The method of final disposition will be cremation, unless cremation is contrary to the beliefs of the deceased, or the deceased's spouse or next of kin. If neither the wishes of the decedent or the practices of the decedent's faith tradition are known, and the county has no information about the existence or location of any next of kin, the county may authorize and provide for cremation of the person's remains and interment.

Burial of the body shall be the final disposition only if cremation is not in accordance with the decedent's personal preferences, the known practices of the decedent's faith, the personal

preferences of the decedent's spouse or next of kin, or the medical examiner/coroner's requirement for burial pursuant to Minnesota Statutes § 390.21.

VII. AUTHORIZED SERVICES

- Cremation (with or without a memorial service) includes funeral home and professional service fees. Should the spouse or next of kin not want to take possession of the remains, cemetery lot and cemetery open/close will be included in authorized services.
- Traditional Burial includes all professional services, transportation of the body, grave box, casket, cemetery lot, cemetery open/close and funeral service.
- County burial approvals include a \$50.00 Medical Examiner fee if applicable.
- Local transportation, within a 60 mile radius, of the body from the place of death or medical examiner to the funeral home, and from the funeral home to the place of service or place of final disposition is included in the professional services.
- Transportation at a rate of \$1.60 per loaded mile, for mileage exceeding a 60 mile radius, may be allowed in lieu of cemetery lot payment if it is necessary to transport the deceased to a privately purchased or existing burial site, up to an additional \$600. Out-of-state transportation exceeding the 60 mile radius will not be approved.

VIII. UNAUTHORIZED SERVICES

- SLCPHHS does not permit the responsible relative to make enhancements to the authorized services included in the county burial procedure such as purchasing a more expensive casket.
- SLCPHHS does not permit the responsible relative to add any auxiliary services such as memorial cards, flowers, music, etc.
- Individuals, other than the responsible relative, may choose to pay for items not included as authorized services in the county burial procedure. Verification of payment source will be required.
- If enhancements, substitutions or additions are made to the authorized services, by the responsible relative, the burial application will be denied.
- If any unauthorized services are provided by the funeral home, the funeral home will forfeit any and all payments authorized herein. SLCPHHS burial assistance payment must be accepted by the funeral home as payment in full for authorized services provided.
- SLCPHHS will not pay for expenses related to interment fees, winter burial costs (including snow removal and thawing of the ground), perpetual care, markers or headstones, additional transportation, tent and set-up fees, weekend or holiday charges, clothing or obituaries.

IX. BURIAL RATES

Burial rates are determined by SLCPHHS.

X. CLAIMS AGAINST THE ESTATE

In accordance with Minnesota Statutes § 261.04, SLCPHHS shall have a claim against the estate of a deceased person who received St. Louis County burial assistance in order to recover county costs.

XI. FALSIFYING INFORMATION

Burial assistance applications that are suspected of containing false information from the applicant will be referred to the Fraud Prevention Unit for investigation and possible legal action.

XII. APPEAL RIGHTS

If an application is denied and the applicant wishes to appeal, a Request for Appeal of County Burial (PHHS #02-05-0255) must be completed within 30 days of receipt of the Notice of Action. The Director of Public Health and Human Services will review appeal requests.