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HAWAII ADMINISTRATIVE RULES

TITLE 17

DEPARTMENT OF HUMAN SERVICES

SUBTITLE 12 MED-QUEST DIVISION

CHAPTER 1745

FUNERAL PAYMENTS PROGRAM

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Historical Note: This chapter is based substantially upon chapter 17-1398. [Eff 6/29/92; am 11/12/92; R 08/01/94]

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SUBCHAPTER 1

ELIGIBILITY AND PROCEDURAL PROVISIONS

§17-1745-1 Purpose. The purpose of this chapter shall be to establish rules to determine eligibility for funeral payments and to set forth the conditions of payments through the funeral payments program. [Eff 08/01/94] (Auth: HRS §346-15) (Imp: HRS §346-15)

§17-1745-2 Definitions. For the purpose of this chapter:

"Accessible" means obtainable for use.

"Unclaimed body" means:

- (1) A deceased person without any known surviving family members and friends;
- (2) A deceased person without any legally responsible relatives such as a spouse and parents of a minor child; or
- (3) A deceased person for whom no one has assumed responsibility for disposition of the body within five working day from the date of death, excluding weekends, and about whom the department and the respective county medical examiner or coroner have no actual knowledge of any legally responsible party.

"Vendor payments" means payments made by invoice billing or purchase order for valid services rendered to eligible persons. [Eff 08/01/94; am 10/26/01] (Auth: HRS §346-15) (Imp: HRS §346-15)

§17-1745-3 Eligibility for the funeral payments program. Eligibility for the funeral payments program shall be limited to:

- (1) Persons who were living in the State at the time of death and were receiving medical or financial assistance;
- (2) Medical or financial assistance recipients who die elsewhere while traveling, visiting, or attending school and whose remains are shipped home at the expense of the family or any interested party for burial; or
- (3) Unclaimed bodies. [Eff 08/01/94; am 10/26/01] (Auth: HRS §346-15) (Imp: HRS §346-15)

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§17-1745-4 Application for the funeral payments program. (a) An application for funeral payment may be submitted by any person on behalf of a deceased medical or financial assistance recipient or for an unclaimed body.

(b) The application shall be denied if not submitted within sixty days from the date of death.

(c) The application shall be processed and eligibility shall be determined within forty-eight hours or two working days, whichever is greater, after the application is received by the department.

(d) The application shall be processed and eligibility shall be determined immediately if immediate cremation has been ordered by the medical examiner or coroner.

[Eff 08/01/94; am 10/26/01] (Auth: HRS §346-15) (Imp: HRS §346-15)

§17-1745-5 Determination of eligibility. (a) Eligibility for services covered by the funeral payments program shall be based upon the available income and resources of the:

- (1) Deceased person;
- (2) Surviving spouse if any; and
- (3) Parents or legal guardians, if the deceased is an unmarried minor child.

(b) A person shall be eligible for funeral services when available income and resources does not exceed \$800.

(c) The following income and resources shall be considered:

- (1) Cash on hand;
- (2) Bank accounts including, but not limited to, checking and savings accounts which are accessible; and
- (3) Other resources including, but not limited to, stocks, bonds, and insurance benefits which are readily liquidated and accessible.

(d) Eligibility shall be denied if full funeral benefits are available to the deceased from other sources including, but not limited to, pre-paid funeral or burial plans, insurance plans, associations, and clubs. [Eff 08/01/94; am 10/26/01] (Auth: HRS §346-15) (Imp: HRS §346-15)

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§17-1745-6 Notification of kin. (a) Attempts shall be made to provide prior notification of funeral arrangements to surviving relatives if:

- (1) An immediate cremation has been ordered; or
- (2) The eligibility worker arranges the funeral because known relatives live away from the State.

(b) Court appointed guardians or administrators of the deceased person's estate shall be notified in advance of the funeral arrangements. [Eff 08/01/94]
(Auth: HRS §346-15) (Imp: HRS §346-15)

§§17-1745-7 to 17-1745-11 (Reserved).

SUBCHAPTER 2

SCOPE AND CONTENT

§17-1745-12 Services covered by the funeral payments program. Payments provided by the funeral payments program shall be available only within the State. Payment for services shall include:

- (1) Mortuary services which shall include:
 - (A) Removal or transfer of the body to a mortuary;
 - (B) Casket;
 - (C) Embalming;
 - (D) Dressing;
 - (E) Chapel services;
 - (F) Publication of obituary in a newspaper;
 - (G) Death certificate and other necessary papers; and
 - (H) Professional services.
- (2) Burial services which shall include the:
 - (A) Burial plot;
 - (B) Niche;
 - (C) Vault;
 - (D) Opening and closing of the plot, niche, or vault;
 - (E) Marker, plaque or scroll plate;
 - (F) Outer burial container;
 - (G) Perpetual care of the grave site;
 - (H) Cremation;
 - (I) Cremation container;
 - (J) Urn; and
 - (K) Scattering of the ashes.

[Eff 08/01/94; am 10/26/01]

(Auth: HRS §346-15) (Imp: HRS §346-15)

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§17-1745-13 Services not covered by the funeral payments program. Related services not covered or payable by the department shall include, but shall not be limited to:

- (1) Cost of body or urn shipment;
- (2) Disinterment and other related expenses; and
- (3) Religious services. [Eff 08/01/94]
(Auth: HRS §346-15) (Imp: HRS §346-15)

§17-1745-14 Choice of services. (a) The family or any interested party shall arrange for the funeral through any provider of their choice.

(b) The family or any interested party shall agree to pay all costs beyond the maximum payment allowed by law if they choose to upgrade the mortuary or burial services provided by the funeral payment's program.

(c) The eligibility worker shall make the mortuary and burial arrangements including the authorization for the cremation of the deceased when there are no surviving relatives or any interested party to assist in decision making. [Eff 08/01/94; am 10/26/01] (Auth: HRS §346-15) (Imp: HRS §346-15)

§§17-1745-15 to 17-1745-19 (Reserved).

SUBCHAPTER 3

REIMBURSEMENTS

§17-1745-20 Amount and method of payment.

(a) Payment may be made as needed up to \$400 for mortuary and \$400 for burial services.

(b) Payments for mortuary and burial services shall be by vendor payment to any licensed provider of mortuary, crematory, or cemetery services.

(d) No payments shall be made by the department for any unpaid portion of a funeral or burial plan or other pre-paid plan.

(e) (d) No payment shall be made by the department without an itemized bill showing the specific services rendered by the provider.

(e) No payments shall be made by the department to upgrade any services covered by a funeral or burial

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plan. [Eff 08/01/94; am 10/26/01] (Auth: HRS §346-15) (Imp: HRS §346-15)

§17-1745-21 Reimbursement procedures. (a) The department shall file a small estate claim for funeral expenses paid by the department if:

- (1) The estate of the deceased exceeds \$50; and
- (2) There is no surviving spouse, child, father, mother, grandfather, grandmother, grandchild, stepfather, stepmother, or any designated heir.

(b) The eligibility worker shall initiate a claim for Veteran's Administration (VA) death benefits whenever possible. These benefits shall be applied toward reducing the department's payment for funeral services rendered or toward the upgrading of funeral services.

(c) In cases where a VA plot or other burial plot, niche, or vault is available, the plot, niche, or vault shall be utilized by the department where practicable.

(d) The department shall have a lien in the amount of funeral expenses paid by the department whenever a third party liability exists. [Eff 08/01/94; am 10/26/01] (Auth: HRS §346-15) (Imp: HRS §§346-15, 346-37, 560:3-1201)