

**CHAPTER 283. PAYMENT FOR BURIAL AND CREMATION**

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**Authority**

The provisions of this Chapter 283 issued under sections 201(2) and 403(b) of the Public Welfare Code (62 P. S. §§ 201(2) and 403(b)).

**Source**

The provisions of this Chapter 283 adopted October 30, 2009, effective October 31, 2009, 39 Pa.B. 6336, unless otherwise noted.

**Cross References**

This chapter cited in 55 Pa. Code § 1251.1 (relating to policy); 55 Pa. Code § 1251.21 (relating to scope of benefits for the categorically needy); 55 Pa. Code § 1251.23 (relating to scope of benefits for State Blind Pension recipients); 55 Pa. Code § 1251.42 (relating to ongoing responsibilities of providers); 55 Pa. Code § 1251.51 (relating to general payment policy); and 55 Pa. Code § 1251.71 (relating to scope of claim review procedures).

**GENERAL PROVISIONS**

**§ 283.1. Policy.**

- (a) The Department will pay for expenses related to burial or cremation, or both.
- (b) The Department will pay a funeral director, or anyone acting for him, if the funeral director is the following:

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- (1) A funeral director as defined in section 2(1) of the Funeral Director Law (63 P. S. § 479.2(1)).
- (2) Enrolled with the Department.

### REQUIREMENTS

#### § 283.3. Requirements for payment.

The requirements of §§ 283.4—283.7 shall be met for the Department to pay expenses related to burial or cremation, or both. These requirements apply regardless of where death occurs.

#### § 283.4. Assistance status of deceased.

The deceased individual shall have been a recipient of Cash Assistance—Temporary Assistance for Needy Families (TANF), General Assistance (GA), State Blind Pension (SBP), Supplemental Security Income (SSI) or State Supplementary Payment (SSP)—at the time of death. This includes:

- (1) An individual who was determined eligible for cash assistance, including SBP, regardless of whether the individual had received a cash assistance benefit.
  - (i) Eligibility for payment begins with the date on which eligibility for cash assistance begins.
  - (ii) Eligibility for payment extends through the period covered by the last cash assistance benefit for which the individual was eligible.
- (2) A former assistance recipient whose assistance had been discontinued due to hospitalization and who died while hospitalized within 3 months from the date of his admission.
- (3) A child born dead to an assistance recipient.
- (4) A child of an assistance recipient who died so soon after birth that assistance could not be authorized.
- (5) A member of a recipient's family who formerly received assistance with the family, returned to the residence, was planning to apply for assistance and died before assistance could be authorized.

#### Cross References

This section cited in 55 Pa. Code § 283.3 (relating to requirements for payment); and 55 Pa. Code § 1251.21 (relating to scope of benefits for the categorically needy).

#### § 283.5. Source of request for payment.

- (a) The Department will accept a request for payment for burial or cremation, or both, if the request is made by one of the following:
  - (1) A relative.
  - (2) A friend.
  - (3) The representative of a fraternal society of which the deceased was a member.

- (4) The representative of a charitable or religious organization.
- (5) A funeral director acting on behalf of an individual described in paragraphs (1)—(4).
- (b) If the request for payment comes from another source, the request must be accompanied by a certificate issued by the Anatomical Board, Department of Health, declaring the body unfit for anatomical purposes.

**Cross References**

This section cited in 55 Pa. Code § 283.3 (relating to requirements for payment).

**§ 283.6. Submission of form for payment.**

(a) The individual requesting payment or the funeral director on behalf of the individual requesting payment shall submit the request on a form approved by the Department in accordance with § 283.7 (relating to date of request for payment). This form is available from the Department or a funeral director enrolled as a provider with the Department.

(b) The form shall be completed by the individual requesting payment and the funeral director. The form must include the following information:

- (1) Name and Social Security number of the deceased.
- (2) Name and signature of the representative requesting payment on behalf of the deceased.
- (3) Resources available towards payment.
- (4) Name and address of the funeral home.
- (5) Name and signature of the funeral director providing goods and services for burial or cremation, or both.

**Cross References**

This section cited in 55 Pa. Code § 283.3 (relating to requirements for payment).

**§ 283.7. Date of request for payment.**

The form to request payment shall be submitted to the Department within 30 days of the date of death with the following exceptions:

- (1) When there are unusual circumstances and the individual requesting payment or the funeral director submits valid reasons for the delay. In this case, the individual requesting payment or the funeral director shall submit the form to the Department within 30 days from the date of the request for payment.
- (2) When the funeral director is waiting for notification regarding a resource that may reduce the Department payment according to § 283.22 (relating to resources). Under these circumstances, the individual requesting payment or the funeral director shall submit the form to the Department within 15 days from the date the funeral director receives payment from the resource or a notification regarding payment from the resource, whichever is sooner.

**Cross References**

This section cited in 55 Pa. Code § 283.3 (relating to requirements for payment); 55 Pa. Code § 283.6 (relating to submission of form for payment); and 55 Pa. Code § 283.23 (relating to resources from which the Department will seek to collect).

**STANDARDS****§ 283.11. Standards for providing burial or cremation, or both.**

The funeral director shall provide services for burial or cremation, or both, in accordance with the following:

- (1) Commonly accepted funeral industry practices established under the Funeral Director Law (63 P. S. §§ 479.1—479.20).
- (2) Requirements for professional and vocational standards for funeral directors under 49 Pa. Code Chapter 13 (relating to state board of funeral directors).
- (3) Federal standards required by the Federal Trade Commission as specified in 16 CFR Part 453 (relating to funeral industry practices).
- (4) A written agreement between the funeral director and the individual handling the funeral arrangements for the deceased. The agreement will include provisions for funeral directors to provide payment for other services, including payment for interment, if services for interment are requested.

**PAYMENT****§ 283.21. Department payment.**

- (a) The Department's payment for burial or cremation, or both, will not exceed \$750.
- (b) The Department's payment is determined by adding the total value of resources under § 283.22(b) (relating to resources) contributed by an agency or individual. If the total value of resources is:
  - (1) Equal to or greater than \$1,500, the Department will not pay for burial or cremation, or both.
  - (2) Less than or equal to \$750, the Department's payment is \$750.
  - (3) Greater than \$750, but less than \$1,500, this amount is subtracted from \$1,500. The remainder is the Department's payment.

**Source**

The provisions of this § 283.21 adopted October 30, 2009, effective retroactively to July 3, 2000, 39 Pa.B. 6336.

**Cross References**

This section cited in 55 Pa. Code § 283.22 (relating to resources).

**§ 283.22. Resources.**

(a) The value of articles of clothing, transportation for the funeral party, newspaper obituaries, flowers and religious services is not considered in determining the Department's payment.

(b) The total value of the following resources is used to determine the Department's payment in accordance with § 283.21 (relating to Department payment):

(1) A burial reserve and burial space as set forth in § 177.2 (relating to definitions).

(2) Contributions of money or goods such as a casket, urn, burial plot, crypt or vault.

(3) Cash on hand in the estate of the deceased.

(4) Other personal property in the estate of the deceased that can be readily converted into cash and is not required to meet basic needs of the survivors.

(5) Life insurance death benefits paid to an individual or organization when that individual or organization paid insurance premiums and had an agreement with the insured that the benefits are used for the deceased's burial, cremation, or both.

(6) Burial or cremation benefits, or both, from a lodge or fraternal organization.

(7) A lump-sum death benefit from the Social Security Administration (SSA) as defined in 20 CFR 401.25 (relating to terms defined) payable to a surviving spouse or to a funeral director.

(i) The individual who assumed responsibility for payment of the funeral expenses may authorize that the lump-sum payment be paid to the funeral director.

(ii) The Department, at the request of the funeral director, may authorize that the lump-sum payment be paid to the funeral director if one of the following occurs:

(A) The individual who assumed responsibility for payment of the funeral expenses does not authorize the payment to the funeral director.

(B) The SSA determines that the individual who arranged burial, cremation, or both, did not assume responsibility.

(iii) The Department will not pay costs for burial or cremation, or both, until the funeral director provides definite information about payment of the lump-sum death benefit.

(8) The lump-sum death benefit from railroad retirement payable to a surviving spouse or a funeral director.

(9) Benefits available from county commissioners on behalf of deceased widows of deceased veterans.

(10) Benefits available for burial in a National cemetery.

(11) Workers compensation benefits designated for burial or cremation, or both, if death results from an accident or injuries sustained in connection with the employment of the deceased.

(12) Awards resulting from accidental death not connected with the employment of the deceased. Pending awards do not reduce the Department payment. When an award is pending, the Department will pay for burial or cremation, or both, and seek recovery when the award is made.

(13) Department of Veterans Affairs death benefits.

(14) Death benefits from United Mine Workers of America welfare and retirement or health and retirement funds.

#### **Cross References**

This section cited in 55 Pa. Code § 283.7 (relating to date of request for payment); 55 Pa. Code § 283.21 (relating to department payment); and 55 Pa. Code § 283.23 (relating to resources from which the Department will seek to collect).

#### **§ 283.23. Resources from which the Department will seek to collect.**

Under the following circumstances, the Department payment is not reduced by the value of the resources described in § 283.22(b) (relating to resources), but instead the Department will seek recovery if resources:

(1) Are reported to the funeral director after the deadline date as set forth in § 283.7 (relating to date of request for payment), and the funeral director does not collect from these resources.

(2) Become available only after the Department pays for burial or cremation, or both.

### **VIOLATIONS**

#### **§ 283.31. Funeral director violations.**

If the Department learns that a funeral director has or appears to have violated a regulation, the Department will determine whether further action is needed in accordance with Chapters 1101 and 1251 (relating to general provisions; and funeral directors' services).

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