
**DEPARTMENT
POLICY**

State Emergency Relief (SER) assists with burial when the decedent's estate, mandatory copays, etc. are not sufficient to pay for:

- Burial.
- Cremation.
- Costs associated with donation of a body to a medical school.
- Cremation permit fee for an unclaimed body.
- Mileage costs for an eligible cremation of an unclaimed body.

**Staff
Responsibilities**

Staff must clearly explain SER burial eligibility requirements and program payment limits to any person making an inquiry. This includes the requirement that the application for SER burial must be submitted no later than 10 business days after burial, cremation or donation.

Application

An application for SER burial must be made no later than 10 business days after the date the burial, cremation or donation takes place.

Who May Apply

Only the following people may apply for SER burial benefits as authorized representatives. In other situations, decedents are unclaimed bodies.

- Any relative - including minors or their authorized representative.
- Person named in decedent's will to arrange burial.
- Funeral representative designated by the decedent.
- Special administrator appointed by probate court.
- Legal guardian who was appointed by probate court.
- Person who had durable power of attorney at the time of death.
- Funeral director with written authorization provided by a relative who is:

- Incapable due to illness.
- Unable due to location.
- For unclaimed bodies, the following individuals may apply:
 - County medical examiner.
 - Person who has been designated as the funeral representative by the county medical examiner.
 - An attorney who has been appointed by the probate court to be the special fiduciary or personal representative for handling burial issues.

Note: The county medical examiner cannot designate a funeral director to be the funeral representative for an unclaimed body.

UNCLAIMED BODIES

The county medical examiner or their designated funeral representative may apply for SER burial of an unclaimed body. In instances where the county medical examiner has appointed someone else to make arrangements for the final disposition of the unclaimed body, verification of the designation must be made in writing.

The body must have been offered by the county medical examiner, their designee or the public administrator to at least one of the following universities prior to determining SER eligibility:

CONTACTS FOR UNCLAIMED BODIES

| University | Counties Served | Phone Numbers |
|------------------------|--|---|
| University of Michigan | Alcona, Allegan, Alpena, Antrim, Arenac, Barry, Benzie, Berrien, Branch, Calhoun, Cass, Charlevoix, Cheboygan, Clare, Crawford, Emmet, Gladwin, Grand Traverse, Gratiot, Hillsdale, Iosco, Isabella, Jackson, Kalamazoo, Kalkaska, Lake, Leelanau, Lenawee, Livingston, Manistee, Mason, Mecosta, Midland, Missaukee, Monroe, Montcalm, Montmorency, Muskegon, Newago, Oceana, Ogemaw, Osceola, Oscoda, Otsego, Ottawa, Presque Isle, Roscommon, | 734-764-4359 business hours 888-209-9191 after hours |

| University | Counties Served | Phone Numbers |
|---|---|--|
| | Shiawassee, St. Joseph, Van Buren, Washtenaw, Wexford | |
| Michigan State University | Alger, Baraga, Chippewa, Clinton, Delta, Dickinson, Eaton, Gogebic, Houghton, Ingham, Ionia, Iron, Kent, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, Schoolcraft | 517-353-5398 business hours 517-335-1855 after hours/weekends |
| Wayne State University | Bay, Genesee, Huron, Lapeer, Macomb, Oakland, Saginaw, Sanilac, St. Clair, Tuscola, Wayne | 313-577-2890 business hours 313-577-1198 after hours/weekends |
| In no case may a funeral director apply for SER for an unclaimed body. | | |

Accepted Donations

Authorize SER payment for one-way transportation if not provided by the teaching facility. Allow \$.34 per mile up to \$176.

Declined Donations

If the university has declined the donation, accept the statement of the county medical examiner or their designee as verification that the body has been declined.

When an unclaimed body is declined, authorize SER burial assistance at the disposition of an unclaimed body rate.

COVERED SERVICES

Covered SER burial services include any goods or services normally provided to bury, cremate or donate a human body, including the following:

- Goods and services that are provided by a funeral director.
- An outside receptacle which is required by the cemetery and which consists of a metal or concrete rough box.
- A single burial space.
- Opening and closing the grave.
- The use of cemetery equipment.
- Transportation.
- Clothing.
- Clergyman's honorarium.
- Urn, when cremation is requested.

Memorial Service

A memorial service involves viewing and/or visitation. A service ritual (either faith-based or secular) is provided for the family and friends.

In the case of a cremation, there may only be a service ritual. The service ritual may be provided by the funeral home director or designee, a faith-based clergy person or a secular representative. The service ritual may be held at the funeral home, cemetery or other facility. To qualify for the memorial service rate, the funeral director must be in attendance at the service.

Services Not Paid

Decedents may not need all services.

Example: Veterans cemeteries do not charge the family for the grave site, opening or closing, vault or headstone.

If the deceased is being buried out of state or out of the country, there may be no local charges for the cemetery or a vault. If the family pays for these and/or transportation charges, they would be considered a voluntary contribution.

COPAYMENTS Responsible Relatives

Determine mandatory copayments from responsible relatives based on whether the decedent and the relatives were living together at the time of death; see ERM 201, SER Group Composition. Responsible relatives are:

- Spouse for spouse.
- Parents for children and stepchildren under age 18.

People in the following living situations are considered living together unless they had been separated prior to admission to the facility:

- Long Term Care.
- Adult Foster Care.
- Hospital.

Exception: Responsible relatives who have been absent from the home for at least 90 consecutive days prior to death are not in the SER group.

Assets

Combine the decedent's and responsible relatives' cash and non-cash assets to determine the asset copayment.

Allow a \$15,000 cash asset exclusion if there is a surviving group member.

Allow a \$15,000 non-cash asset exclusion if there is one or more surviving group members.

If a surviving group member is a current recipient of FIP, SDA, SSI, MA or FAP, there is automatic eligibility on the basis of **non-cash** assets only. See ERM 205 for more information on assets.

A decedent who is the only SER group member does **not** qualify for any asset exclusion; see Estates in this item.

Examples:

- The deceased is an adult with a surviving spouse. Allow a \$15,000 cash asset exclusion plus a \$15,000 non-cash asset exclusion.
- The deceased is a child with two surviving parents/group members. Allow a \$15,000 cash asset exclusion plus \$15,000 non-cash asset exclusion.
- The deceased is an adult with no surviving spouse. There is no asset exclusion of any kind.

Asset Denial

Deny the application if the total countable value of cash and non-cash assets prior to exclusions exceed the SER payment maximum for burials. When assets exceed the payment maximum, the group cannot designate any of the assets as a supplement.

Example: The group's countable assets total \$15,800. Deny SER as the assets exceed the payment maximum of \$725.

Benefits

The following death benefits are deducted from the SER payment:

- Life insurance, when the beneficiary is a responsible relative.
- Social Security (RSDI) lump sum death payments if there is a surviving spouse.
- Veterans burial benefits.
- Soldiers and Sailors Fund benefits.
- Fraternal or social organization donations.
- Prearranged funeral agreements.

Prepaid Funeral Contracts***Approval***

Approve a supplemental payment for beneficiaries who purchased any type of prepaid funeral contract (PFC) when the total face value

of the PFC does not exceed the maximum allowable charge for services provided (see table in this item) and all other eligibility factors have been met.

Example: Mr. A. has a \$300 revocable contract and a \$300 irrevocable contract. Mr. A. chose a traditional funeral. The total of PFCs is \$600.

| | |
|-------|-------------------------|
| \$700 | total allowable charges |
| - 600 | total PFC |
| \$100 | supplemental payment |

Denial

Deny SER burial when PFCs are in excess of the maximum allowable charge. The value of the PFC cannot be used as a contribution.

Exception

Exception: The beneficiary of a MDHHS DHS-8A, Certified Irrevocable Funeral Agreement, is only potentially eligible for a burial space (payment to the cemetery) and/or an outside receptacle (vault) when required by the cemetery. Vault and cemetery services can be provided even if the PFC exceeds the SER maximum burial payment.

Estates

When there is no surviving group member, assets owned by the decedent at the time of death constitute an estate. For a group of one, there is no automatic asset eligibility based on receipt of MA, FAP, SSI, etc. The estate includes all of the decedent's cash and non-cash assets such as a former homestead, auto, bank accounts, etc.

The probate court determines the value of a deceased person's estate and the amount available to meet burial expenses. Relatives or others must file a petition to start probate court proceedings.

Determine the SER Burial eligibility of a deceased person with an estate as follows:

- Estate Value Exceeds Burial Payment

Deny the application if the value of the decedent's estate is projected to equal or exceed the SER burial payment.

Estimates from expert sources (car dealers, tax statements, etc.) may be necessary to determine total estate value. Do not wait for a probate court final determination.

- **Probate Court Determination**

Re-register and approve a denied application if probate court later establishes the amount available from the estate for burial expenses is less than the maximum allowable SER burial payment. All other eligibility factors must be met.

- **Approval With Repay**

Approve the application if the value of the decedent's estate is projected to be less than the SER burial payment. The person starting the proceedings in probate court must sign a DHS-2157, Repay Agreement, to repay the department if the probate court determines the amount available to meet burial expenses exceeded the SER maximum. The DHS-2157, Repay Agreement, must be signed prior to authorizing an SER payment.

Case Record Information

If the deceased was a current or former recipient of MDHHS services, existing case record material should be used to identify the possible existence of an estate.

Potential Recoupment/Fraud

If the existence of an estate is discovered after a SER payment has been made, recoupment must be pursued. Do **not** sign any documents for probate court indicating that MDHHS has no claims unless/until SER has been repaid. A fraud referral may be made if the applicant knowingly failed to inform the department of the existence of assets.

Income

Use income expected to be received by the decedent and the group members during the 30-day countable income period to determine the income copayment; see ERM 206, Income and ERM 208, Determining Required Copayments.

Calculations

Add the asset copayment and income copayment to arrive at the total mandatory copayment. Mandatory copayments are deducted from the department's payment.

Voluntary Contributions

Friends and relatives may supplement the SER burial payment in any amount up to \$4,000 for additional services. There must be a signed statement from the friend/relative indicating the amount of their contribution. The contribution does not have to be paid prior to the SER payment authorization.

Responsible relatives required to make an income and/or asset copayment can designate \$200 of the copayment for this purpose. Designating reduces the copayment.

Example: Mr. Smith passes away. There is a total income of \$500. \$200 is designated as a supplement, reducing the copayment to \$300. The MDHHS burial payment is reduced by \$300. Other friends and relatives could contribute up to \$3,800 for additional services (\$4,000 maximum minus the \$200 designated copayment).

Denial

Deny SER if contributions exceed \$4,000 **OR** if the total cost of the burial exceeds the SER maximum payment allowed plus the voluntary contribution.

Example: The decedent will be returned to a foreign country for burial. Local funeral director charges total \$2800. Friends and family will also pay air-shipping charges of \$2100. MDHHS payment maximum is \$579. (There are no local cemetery or vault charges.) The total charges are \$4900, which leaves \$4321 as a family contribution. This exceeds the MDHHS maximum allowable, so no SER payment is made.

Payments

Authorize payment for burial, cremation or donation at the rates charged by the provider up to the maximum payments specified in the table at the end of this item. Payment is made via the DHS-849 only if it will resolve the emergency.

Local issuances are **not** to be paid to enrolled burial service providers.

VERIFICATION

- The case record must contain a statement of goods and services or the equivalent showing an itemization of all services provided, charges and payments made or expected. It must be signed by an employee of the funeral home and the person making the SER application. Funeral providers may submit more than one invoice to cover a decedent's funeral.

Note: Do not duplicate payment or authorize payment for services/items not included on the invoice.

Note: No additional SER payments are made for oversize caskets; see ERM 209 and ES Program Standards.

- The case record must contain a signed statement from the friend/relative indicating the amount of their contribution. This must be obtained before SER payment may be made. If the statement of goods and services is properly itemized and signed by the applicant and funeral director (or designee) it would be considered the signed statement of contribution.
- If there is a surviving spouse who resided with the deceased person at the time of death, verification of the Social Security lump sum death benefit must be obtained prior to approval for any SER payment. Social Security Administration or the funeral director must provide a written statement verifying the amount expected.
- Value of the estate - written statements from knowledgeable sources (car dealers, tax statements, financial planners, attorneys, etc.).
- The case record must contain a signed and dated statement, on official letterhead, from the county medical examiner when a designee has been authorized to make burial or cremation arrangements for an unclaimed body.
- Michigan Funeral Directors Association Funeral Representative Designation form signed by the decedent.

SER MAXIMUM PAYMENTS FOR BURIAL SERVICES TABLE

| MAXIMUM PAYMENTS FOR SER BURIAL SERVICES Effective 10/1/2020 | | | | |
|---|--|--|------------------------------|--------------|
| Burial Service | Payment to Funeral Director | Payment to Cemetery or Crematory or Payment for Urn | Payment for Vault | Total |
| Fetus or infant under age 1 month | \$165 | \$45 | \$0 | \$210 |
| Burial with memorial service | \$520 | \$145 | \$100 | \$765 |
| Burial without memorial service | \$285 | \$145 | \$100 | \$530 |
| Cremation with memorial service | \$455 | \$145 | \$0 | \$600 |
| Cremation without memorial service | \$220 | \$145 | \$0 | \$365 |
| Transportation of a donated or unclaimed body being cremated | \$.34 per mile up to \$176 | \$0 | \$0 | \$176 |
| Cremation permit fee for an unclaimed body | | \$75 | | \$75 |
| Disposition of an unclaimed body | \$595 | \$145 | \$100 | \$840 |
| Maximum payment where irrevocable funeral agreement (8A) exists | \$0 | \$145 | \$100 | \$245 |

**SER QUICK
REFERENCE
CHARTS**

Refer to ERM 100, SER Quick Reference Charts, for quick reference charts to SER services, payment maximums and coding.

LEGAL BASE

Mich Admin Code, R 400.7001 et seq.

MCL 328.214(1)Public Act 57 of 2016