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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 the State funded death payments program for medical and financial assistance recipients ineligible for the Social Security Administration's one-time lump-sum death benefit and for unclaimed bodies, and to set forth the conditions of payments through the death payments program. [Eff 08/01/94; am 08/19/11]
(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 death payments program. Eligibility for the death payments program shall be limited to:

- (1) Medical or financial assistance recipients who were residents of the State at the time of death; or
- (2) Unclaimed bodies. [Eff 08/01/94; am 10/26/01; am 08/19/11] (Auth: HRS §346-15) (Imp: HRS §346-15)

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§17-1745-4 Application for the death payments program. (a) The death payments program application shall include an application form designated by the department and the death confirmation document specified in section 17-1745-5(a)(2). Both documents may be submitted by any person on behalf of a deceased medical or financial assistance recipient or for an unclaimed body.

(b) The death payments program application shall be:

- (1) Denied if not submitted within sixty days from the date of death. This subsection shall not apply to the applications submitted by the respective county medical examiner or coroner on behalf of unclaimed bodies.
- (2) Processed and eligibility determined within forty-eight hours or two working days, whichever is greater, following the receipt of the application and the death confirmation document.
- (3) Processed and eligibility determined immediately if immediate cremation has been ordered by the medical examiner or coroner. [Eff 08/01/94; am 10/26/01; am 8/19/11]
(Auth: HRS §346-15) (Imp: HRS §346-15)

§17-1745-5 Determination of eligibility. (a) Deceased medical or financial assistance recipients shall be eligible for the death payments program if:

- (1) The deceased, at the time of death, is ineligible for the Social Security Administration's one-time lump-sum death benefit; and
 - (2) A certified death certificate or death confirmation, from agencies with authority to confirm the death, acceptable to the department is received within sixty calendar days from the date of death.
- (b) The provisions of subsection (a) shall not apply to unclaimed bodies.
- (c) Eligibility shall be denied if full funeral benefits are available to the deceased from other sources including, but not limited to, pre-paid funeral

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or burial plans, insurance plans, associations, and clubs. [Eff 08/01/94; am 10/26/01; am 08/19/11]
(Auth: HRS §346-15) (Imp: HRS §346-15)

§17-1745-6 REPEALED. [Eff 08/01/94; R 08/19/11]

§§17-1745-7 to 17-1745-11 (Reserved).

SUBCHAPTER 2

SCOPE AND CONTENT

§17-1745-12 Services covered by the death payments program for unclaimed bodies. Payments provided by the death 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) Death certificate and other necessary papers; and
 - (C) Professional services.
- (2) Crematory services which shall include the:
 - (A) Cremation;
 - (B) Cremation container; and
 - (C) Urn.

[Eff 08/01/94; am 10/26/01;
am 08/19/11] (Auth: HRS §346-15)
(Imp: HRS §346-15)

§17-1745-13 REPEALED. [Eff 08/01/94; R 08/19/11]

§17-1745-14 Payments for unclaimed bodies. The eligibility worker shall authorize payments to the mortuary, or crematorium, or both, for unclaimed bodies. Authorization for payments does not constitute authorization for cremation or burial. [Eff 08/01/94; am 10/26/01; am 08/19/11] (Auth: HRS §346-15)
(Imp: HRS §346-15)

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

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SUBCHAPTER 3

REIMBURSEMENTS

§17-1745-20 Amount and method of payment. (a) A lump-sum death benefit in an amount equal to the Social Security Administration's one-time lump-sum death benefit for the year in which the medical and financial assistance recipient died, shall be made to the person who submitted the death payments program application.

(b) Payments to the mortuary, or crematorium, or both, for unclaimed bodies shall be:

- (1) By vendor payment to any licensed provider of mortuary or crematory services;
- (2) Made to the extent of the cost, or in the sum of \$800 in total, whichever is less, for each unclaimed body; and
- (3) Made by the department with an itemized bill showing the specific services rendered by the provider. [Eff 08/01/94; am 10/26/01; am 08/19/11] (Auth: HRS §346-15)
(Imp: HRS §346-15)

§17-1745-21 Reimbursement procedures. (a) The department shall file a small estate claim for the death payments program 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 death payments program expenses. [Eff 08/01/94; am 10/26/01; am 08/19/11]
(Auth: HRS §346-15) (Imp: HRS §§346-15, 346-37, 560:3-1201)