

Waiver Wise

Technical Assistance for the Medicaid Waiver Programs

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BURIAL EXPENSES

Have you ever wondered how a person of very limited financial means could have funeral expenses paid for after passing? When a person is indigent and without resources in his/her estate to cover funeral or cemetery costs, it can be very disturbing to wonder how, or who, will pay for this need. Or, for the remaining family members, who may also be of limited financial means, the expense involved in paying for a funeral can seem overwhelming. While it is important for people to plan ahead for these expenses and establish irrevocable burial trusts, for a few people this is not an option.

When this is the case, and if the person was receiving certain types of Medicaid or was being served by a waiver program, it may be possible for a county to help, under a program called Wisconsin Funeral and Cemetery Aids Program (WFCAP). This program is authorized under s.49.785 Wis. Stats.

However, only funeral and cemetery expenses that do not exceed certain dollar limits are *considered* for reimbursement. Furthermore, reimbursement for funeral and cemetery expenses from the state to the county is also subject to certain “caps.”

The purpose of this technical assistance document is to answer some of the commonly asked questions about how a county gets reimbursed for burial expenses, who is eligible for burial expense assistance and how a county can assist a person or family members with these expenses.

Question 1 – Burial expenses that exceed certain dollar limits will not be considered for reimbursement at all by the state, and consequently by the county. What are these limits?

There are two categories of burial expenses: 1) funeral expenses and 2) cemetery expenses. If a person’s total funeral expenses exceed \$3,500 – the state **will not reimburse any amount** of money to the county for the funeral expenses. In addition, if a person’s total cemetery expenses exceed \$3,500 – the state **will not reimburse any amount** of money to the county for the cemetery expenses.

Example A: a person's funeral expenses are \$4,000 and the cemetery expenses are \$3,700. The state will not reimburse the county at all for either of these expenses because each exceeds \$3,500.

Example B: a person's funeral expenses are \$4,000 and the cemetery expenses are \$2,000. The state will not reimburse the county at all for the funeral expenses because that expense exceeds \$3,500. However, the state will consider reimbursing the county for the cemetery expenses because those expenses are below \$3,500.

Example C: a person's funeral expenses are \$2,000 and the cemetery expenses are \$900. The state will consider reimbursing the county for both the funeral and cemetery expenses because each of those expenses is below \$3,500.

Question 2 - When counties help pay for a person's funeral or cemetery expenses, how much will the state reimburse the county?

Counties will be reimbursed by the state *within certain dollar amount limits.*

For funeral expenses:

- The state may reimburse counties for county expenditures for funeral expenses up to \$1,500
- or
- The state may reimburse counties for funeral expenses paid in any amount for which the person's estate is insufficient to pay, and is not paid by another person, **whichever is less.**

In other words, the county will not get reimbursed more than \$1,500 for funeral expenses.

For cemetery expenses:

- The state may reimburse counties for cemetery expenses up to \$1,000
- or
- The state may reimburse counties for cemetery expense in any amount for which the person's estate is insufficient to pay, and which is not paid by another person, **whichever is less.**

In other words, the county will not get reimbursed more than \$1,000 for cemetery expenses.

IMPORTANT: As noted in Question 1, if a person's funeral costs exceed a total of \$3,500, there will be no reimbursement from the state for any funeral expenses. Similarly, if a person's cemetery costs exceed a total of \$3,500, there will be no reimbursement from the state for any cemetery expenses.

Example: A person's funeral expenses are \$2,500 and the cemetery expenses are \$1,200. Because the funeral expense and cemetery expense are each under \$3,500, the state will consider reimbursing the county for both of these expenses. However, the most the state will reimburse the county for the funeral expenses is \$1,500, and the most the state will reimburse the county for the cemetery

expense is \$1,000. So in this case, someone else will have to pay the remaining balance of \$1,000 towards the funeral expenses, and the remaining balance of \$200 towards the cemetery expense.

Question 3 – Who is eligible for assistance with funeral or cemetery expenses?

When the **decedent's** estate is insufficient to pay for these expenses, counties may pay for some funeral or cemetery expenses for the following Medicaid eligible persons:

1. Wisconsin Works (W-2) participant (**paid placement only**).
2. Child for whom a Caretaker Supplement (CTS) or Kinship Care benefit was being made on his/her behalf.
3. Categorically needy elderly, blind or disabled (EBD) related Medicaid recipient.
4. Parent or caretaker relative receiving BadgerCare Plus with family income that does not exceed 50% of the federal poverty level.
5. Child receiving foster care or adoption assistance.
6. Child under age 6 or pregnant woman receiving BadgerCare Plus with family income that does not exceed 185% of the federal poverty level.
7. Child at least age 6, but not yet 19, receiving BadgerCare Plus with family income that does not exceed 100% of the federal poverty level.
8. Categorically needy or medically needy Medicaid recipient residing in a nursing home or other medical institution.
9. All Home- and Community-Based Waiver recipients (Group A, B and C)
10. All Medicaid eligible Family Care recipients.
11. Recipients of Tuberculosis (TB) related Medicaid services.
12. The fetus of a woman in a WFCAP eligible Medicaid or BadgerCare Plus category as identified in #3, #4, #5, #6, #7, #9, #10, #11, #13, or #14.
13. Child certified for Katie Beckett Medicaid.
14. Supplemental Security Income (SSI) or SSI State Supplement (SSI-SSP) recipient who was a Wisconsin resident.

Note: Funeral and cemetery expenses for any individual who does not meet at least one of the above criteria will not be reimbursed.

The agency that administered the decedent's benefits (Eligible Persons #1-#14) prior to death is responsible for processing the WFCAP reimbursement request. If the decedent was a child certified for Katie Beckett Medicaid (#13) or an SSI case (#14), the county in which the decedent was living at the time of death is responsible for processing the reimbursement request.

Question 4– Who is not eligible for assistance with funeral or cemetery expenses?

1. Refugee Medical Assistance recipients,
2. Medicaid Purchase Plan (MAPP) recipients,
3. Non-Medicaid FamilyCare recipients,
4. Recipients of any limited benefit Medicaid program (except TB related Medicaid).
5. SeniorCare recipients are not eligible for WFCAP reimbursement (unless they are also in one of the non-Medicaid WFCAP eligible categories)

In addition, persons who are Medicaid recipients by virtue of meeting a Medicaid deductible do not qualify for reimbursement of their funeral/cemetery expenses.

Note: An exception is made for someone who met a Medicaid deductible and also qualified as a community waiver or Family Care case under Group A rules at the time of his/her death.

Question 5 – Is there a time limit for a county to request reimbursement from the state for burial expenses?

Yes. A county must request reimbursement from the state within 12 months of the death of an eligible person.

The Wisconsin Funeral and Cemetery Aids Program (WFCAP) manual is available at:

<http://www.emhandbooks.wi.gov/wfcap/fcap.htm>

Most of your questions will be answered by consulting this Manual. Please note that eligibility criteria change from time to time, so the source document listed at this website should always be consulted for updated information.

- ❖ *In addition, to learn more about burial assistance, supervisors and care managers/support and service coordinators should invite the Income Maintenance Agency person who handles this type of request to a staff meeting. They will be your best source of information for specifics regarding this program, such as reimbursement limitations, timeframes for eligibility and payment, and your county's established protocol and procedures.*