

RESOURCES

PRE-NEED FUNERAL AGREEMENTS

Reference:	SSL Sect.	366 366-ee 209.6 141.6
	General Business Law Sect.	453
	Dept. Reg.	360-4.6(b)(1) 360-4.6(b)(2)(ii) 360-4.7(a)(3)
	ADMs	11 OHIP/ADM-4 10 OHIP/ADM-01 04 OMM/ADM-6
	GIS	09 MA/027

Interpretation: Although the entire amount of money in an irrevocable pre-need funeral agreement is exempt for an SSI-related A/R, the local district reviews a copy of the pre-need burial agreement to make sure that it is irrevocable.

NOTE: Although SSI-related Medicaid A/Rs who are not seeking coverage of long-term care services (Community Coverage without Long-Term Care (See **RESOURCES DOCUMENTATION REQUIREMENTS**)) may attest to the amount of their resources at application, they must provide a copy of their irrevocable pre-need funeral agreement to the local social services district for verification of the type of agreement.

In determining whether a pre-need funeral agreement established for the A/R or a family member with assets of the A/R or the A/R's legally responsible relative is irrevocable, the local social services district must review: