

RESOURCES

PRE-NEED FUNERAL AGREEMENTS

Pre-1997 Funeral Agreements

The SSI-related A/R is allowed ten days from the date of notification to convert the revocable agreement to an irrevocable one. The ten-day period may be extended if more time is needed.

An SSI-related Medicaid recipient whose receipt of Medicaid began prior to January 1, 1997 and who had a revocable pre-need funeral agreement in place, which was considered exempt, may either maintain the revocable agreement or establish an irrevocable agreement.

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 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, 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 is irrevocable, the local social services district reviews: