

TITLE 8 SOCIAL SERVICES
CHAPTER 106 STATE FUNDED ASSISTANCE PROGRAMS
PART 502 GENERAL INFORMATION - BURIAL ASSISTANCE

8.106.502.1 ISSUING AGENCY: New Mexico Health Care Authority.
[8.106.502.1 NMAC - N, 12/01/2009; A,7/1/2024]

8.106.502.2 SCOPE: The rule applies to the general public.
[8.106.502.2 NMAC - N, 12/01/2009]

8.106.502.3 STATUTORY AUTHORITY: New Mexico Statutes Annotated 1978 (Chapter 27, Articles 1 and 2) authorize the state to administer the aid to families with dependent children (AFDC), general assistance (GA), shelter care supplement, the burial assistance programs and such other public welfare functions as may be assumed by the state. Section 9-8-1 et seq. NMSA 1978 establishes the health care authority (HCA) as a single, unified department to administer laws and exercise functions relating to health care facility licensure and health care purchasing and regulation.
[8.106.502.3 NMAC - N, 12/01/2009; A,7/1/2024]

8.106.502.4 DURATION: Permanent.
[8.106.502.4 NMAC - N, 12/01/2009]

8.106.502.5 EFFECTIVE DATE: December 1, 2009, unless a later date is cited at the end of a section.
[8.106.502.5 NMAC - N, 12/01/2009]

8.106.502.6 OBJECTIVE:

A. The objective of general assistance is to provide cash assistance to dependent needy children and disabled adults who are not eligible for assistance under a federally matched cash assistance program, such as New Mexico works (NMW) or the federal program of supplemental security income (SSI).

B. The objective of the supplement for residential care program is to provide a cash assistance supplement to SSI recipients who reside in licensed adult residential care homes.

C. The objective of the burial assistance program is to assist in payment of burial expenses for an individual who was a low-income individual at the time of death.

[8.106.502.6 NMAC - N, 12/01/2009]

8.106.502.7 DEFINITIONS: [RESERVED]

8.106.502.8 BURIAL ASSISTANCE - FUNERAL EXPENSES:

A. General: The department may provide up to \$200.00 towards the funeral expenses recipients of financial and medical assistance if the deceased's available resources are insufficient to pay for the funeral, the persons legally responsible for the support of the deceased are unable to pay the funeral expenses, and no other person or organization, or state agency will undertake to pay for the expense. The spouse of the deceased with whom the deceased was living at the time of death and the parents of minor unmarried children are considered legally responsible relatives.

B. Applications and interviews: A request for payment of funeral expenses may come from the family, the mortuary, or other persons furnishing funeral services to any project area. In order to evaluate available resources it may be necessary to interview the family or requestor. Burial expenses for a deceased individual shall be processed no later than 30 calendar days after receipt.

C. Eligibility: Payment towards the burial expenses for a categorically eligible individual may be made when the resources considered available to meet the cost of the funeral are less than \$600. Resources that shall be considered available include:

- (1) cash available to the deceased at the time of death;
- (2) any insurance benefits designated for use in meeting the individual's funeral costs;
- (3) any other death or burial benefits from sources such as social security or railroad retirement benefits, veterans benefits, legally responsible relatives or the estate of the deceased;
- (4) real property owned by the deceased, with no surviving heir, shall be considered a resource;

(5) gifts, contributions or written commitments to help pay the cost of the funeral, which are made by any individual not having a legal support obligation for the deceased.

D. Constructing the benefit group: To be eligible for inclusion in the burial assistance benefit group, a deceased individual must have been a recipient of NMW, GA, refugee assistance, ARSCH or medicaid benefits from the state of New Mexico. The benefit group consists of the deceased individual.

E. Covered services: Funeral costs that are considered include necessary compulsory expenditures arising immediately upon and due to death, including:

- (1) embalming;
- (2) purchase of a coffin, burial shroud and burial plot;
- (3) burial or cremation services, including the cost for opening and closing the grave;
- (4) customary ceremonies, rites and services, excluding food, beverages or other similar consumables attendant on disposition of the remains; and
- (5) transportation of the deceased from the mortuary to a nearby cemetery.

F. Payment: When resources are determined to be less than \$600, a payment of up to \$200 may be made towards the cost of the funeral. The amount of the payment is the difference between the cost of the funeral and available resources. The payment shall not exceed \$200.

G. Payment procedures: Funeral payments are reimbursed by a payment voucher to the vendor providing the services.

[8.106.502.8 NMAC - Rp, 8.106.500.11 NMAC & 8.106.400.13 NMAC, 12/01/2009]

HISTORY OF 8.106.502 NMAC: [RESERVED]