



State of New Jersey

**DEPARTMENT OF HUMAN SERVICES
DIVISION OF MEDICAL ASSISTANCE AND HEALTH SERVICES**

ADMINISTRATIVE OFFICES
QUAKERBRIDGE PLAZA—BUILDING 5 & 7 & 12
QUAKERBRIDGE ROAD
TRENTON, NEW JERSEY 08619

ADDRESS REPLY TO:
CN-712
TRENTON, NEW JERSEY 08625

MEDICAID COMMUNICATION NO: 88-32 DATE: December 19, 1988

TO: County Welfare Agency Directors

SUBJECT: Expansion of Burial Space Exclusion - Aged, Blind, and Disabled

An interpretation received from the Social Security Administration applicable to resource policy in the Supplemental Security Income (SSI) program requires the Division to expand the current exclusion of burial spaces as discussed below. This policy applies to all aged, blind, or disabled applicants and recipients of Medicaid Only or New Jersey Care...Special Programs (including the medically needy).

Section 10:71-4.4(b)9 of the Medicaid Only Manual provides that burial spaces intended for the burial of the applicant/recipient, his or her spouse, or other members of his or her immediate family are excluded from resource consideration. The Division of Public Welfare's Program Instruction No. 85-8-12 expanded the burial space exclusion to include coffins and burial vaults so long as the individual has purchased the items as evidenced by a certificate of ownership, an itemized contract for future delivery, or by a certificate or contract of sale from either the manufacturer or the funeral director.

Effective with the receipt of this communication, the costs associated with the opening and closing of the grave, as well as, headstones are considered burial space items. As with other burial space exclusions, these burial space items may be excluded when there exists a contract or agreement for future delivery of the item. The contract or agreement must state that the individual has purchased a burial space item for a specified price. The item would be considered purchased even if the specific model number is not mentioned in the contract or agreement. As long as the contract or agreement results in the individual's right to the items listed, valued at the amount indicated, the requirement for burial space exclusion is met. So long as the conditions above are met, the revocability of the contract or agreement is not an issue in the exclusion of the item.

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Please refer questions to the field service staff assigned to your county.

Sincerely yours,



Thomas M. Russo, Director
Division of Medical Assistance
and Health Services

TMR:Hh

cc: Odella T. Welch
Deputy Commissioner

Marion Reitz, Director
Division of Public Welfare

William Waldman, Director
Division of Youth and Family Services