

CLINTON COUNTY AUDITOR
NOTICE OF PUBLIC HEARING

Notice is hereby given that the Clinton County Board of Supervisors will hold a public hearing on Monday, September 14, 2014 at 10:00 a.m. in conference room B, Clinton County Administration Building, 1900 N. 3rd Street, Clinton, IA. The purpose of this public hearing is to solicit public comment on the proposed changes to the Clinton County Indigent Burial Policy. You can obtain a copy of the Indigent Burial Policy at the Clinton County Auditor's Office or on the Clinton County Iowa website. Any citizen may address the members of the Board at the Hearing or written comments are to be addressed to the: Clinton County Board of Supervisors, P.O. Box 2957, Clinton, IA 52733-2957.

FOR THE BOARD OF SUPERVISORS
Eric Van Lancker
Clinton County Auditor

2015

INDIGENT BURIAL POLICY

Clinton County

Community Assistance Programs
Clinton County Administration Building
1900 N 3rd St-P.O. Box 2957
Clinton, IA 52732

Passed By Resolution #: _____

Effective Date: _____

Phone: (563) 244.0576 ext. 5537

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CLINTON COUNTY INDIGENT BURIAL POLICY

Clinton County believes that providing burial assistance to “poor” residents who do not have the financial means to pay this expense is a benefit to all residents of the county. To that end, the Indigent Burial Policy shall be administered to individuals as indentified. This policy fulfills the duties imposed upon the County by Chapter 252 of the Iowa Code.

County Assistance shall be considered without regard to age, race, sex, color, national origin, religion, physical or mental disability, veteran status or any other classification protected by law or ordinance.

SECTION I. DEFINITIONS

RELATIONSHIPS:	
Applicant	An individual applying for benefits on behalf of the deceased individual.
Child(ren)	<ul style="list-style-type: none"> • Minor Child: newborn to age 17 years. • Adult Child: 18 years and over.
Household Members	The deceased, the deceased’s spouse, the deceased’s common law spouse, any children, stepchildren, or wards under the 18 years who are physically residing with the applicant.
FINANCIAL:	
Allowable Deductions	Allowable expenses/withholdings described within this policy credited against gross income to determine the individual/households eligibility for assistance.
Documentation:	All financial documents such as payroll stubs, benefit statements, tax returns, bank statements, receipts, bills, medical statements, employer W-2 statements, statements from any other sources as requested by the Directory/Worker as necessary in order to render a decision of eligibility.
Gross Earned Income:	All household income from whatever source and is not limited to cash received. An individual’s income before taking taxes or deductions into account, i.e. employment wages.
Gross Unearned Income:	Public payments such as Social Security benefits, Railroad Retirement benefits, etc.
Resources:	<p>Resources including but not limited to are:</p> <ul style="list-style-type: none"> • cash, savings, checking, • Certificate of Deposit (CD’s), • Individual Retirement Account (IRA)-Both Traditional & Roth, • Annuities, • 401k-A verifiable employee sponsored retirement program, • Stocks and Bonds, • Whole Life Insurance Policies; and • Any equity in real estate. <p>Resources will be deducted from the Maximum Burial Benefit to determine the amount of county assistance that may be granted.</p>

RESIDENCY:	
Legal Residency:	<p>Residency is established by an individual residing within Clinton County and showing intent to remain in Clinton County. Intent to remain can be established by::</p> <ul style="list-style-type: none"> o Submitting receipt of payment for rental or for utility services with the individual's name and their physical address listed on the bill. o Submitting a copy of a current lease and/or landlord's statement verifying he/she resides at the reported address. o Establishing a physical mailing address (other than a P.O. Box); o Registering at job service, seeking employment independently, being employed; o Registering to vote or other indicators of good faith. <ul style="list-style-type: none"> • Residency cannot be established while residing in any treatment related facility including the King House or the High Tower Place. Also, residing in a college dormitory or solely residing in Clinton County to attend college. • Clinton County will not assist anyone with establishing residency; individuals must do this with no assistance from the county. • If an applicant had previously gained residency in Clinton County, an exception can be made if they have at the time of death, currently resided in any of the places referenced.
Transient Persons:	Transient persons living in temporary units, homeless shelters, rescue missions, transitional facilities, halfway houses or residential facilities are not eligible to receive assistance through this program, unless they had previously established legal settlement or residency in Clinton County.
INTERESTED PARTIES:	
Legal Guardian:	Legal Guardian is a person appointed by the court charged with either limited or complete duties as ordered by the court.
Legal Representative:	Legal Representative is a person designated by Iowa law to act on the individual's behalf in specified affairs to the extent prescribed by law.
ADDITIONAL DEFINITIONS:	
"Poor" Person:	A person who has no property, exempt or otherwise, and are unable, because of physical or mental disabilities, to earn a living by labor.
Protect Health Information (PHI):	Individually identifiable health information that is transmitted by or maintained in electronic media or transmitted by or maintained in any other form or medium.
Veteran(s):	A Veteran is a person of the U.S. military service or National Guard who has separated from service with an honorable discharge or a general discharge. Veterans shall be required to first apply for other types of assistance to which they may be entitled and show proof of denial before being considered for assistance through this program.

SECTION II. BURIAL GUIDELINES:

The assistance available through the Clinton County General Assistance Office is intended to cover the full costs associated with burial or cremation. The funeral home will work with the next of kin or officially designated representative to limit the services to meet this requirement.

The application for burial assistance should be made prior to the date of the burial or no longer than five days (5) after the date of the burial in order to be considered for assistance.

Clinton County will provide assistance for the cost of a basic burial for minor children and adults who meet eligibility guidelines. In cases when an infant is born prematurely, Clinton County will only provide assistance for the cost of the opening and closing of a county burial plot if eligibility criteria are met.

1. Basic Burial Services:

Under this policy, basic burial services shall include the following:

- a) Services of the Funeral Home staff including body preparation, graveside services, permits, filing of death certificate and any other forms or claims required by statute or regulations.
- b) Basic casket, minimum steel casket, grave liner (if required by statute or by the Cemetery) or basic urn
- c) Cemetery lot at St. Iraeneus, Springdale Cemetery or Clinton Lawn Cemetery if a lot has not already been secured by deceased individual or deceased individual's family
- d) Opening and closing costs for a cemetery lot only when the lot is a donated county burial lot located at one of the previously listed cemeteries.

2. Maximum Burial Benefit Limitations:

- Transient Persons: Defined- Iowa Code 252.27. Subject to Section 142.1; Assistance may consist of the burial of a transient person and the payment of the reasonable cost of burial, not to exceed \$250.00 (Two Hundred Fifty dollars).
- Basic Burial Services: Amount awards up to \$1,700.00 (Seventeen Hundred Dollars) maximum (less any available resources of the deceased individual's household (i.e. savings, checking, life insurance policy, etc.) The financial burden for any cost in excess of this total is to be borne by the funeral home, cemetery, or participating vendors.
- Opening and Closing: Cemetery lots at St. Iraeneus or Springdale Cemetery and Clinton Lawn Cemetery:
 - \$425.00 (Four Hundred Twenty Five Dollars) no special circumstances;
 - \$500.00 (Five Hundred Dollars) if the ground is frozen for a casket; or
 - \$95.00 (Ninety Five Dollars) for an approved urn.

County burial assistance shall not be used to pay for the following items: 1) Opening and closing costs of private cemetery lots will be at the expense of the deceased individual's income or resource, or of the family members and 2) basic burial services at out of county or state funeral homes. The Director may make an exception for burial in another county within the state of Iowa if the applicant requests and circumstances warrant it.

3. Allowance for Limited Supplemental Purchases:

- The deceased individual's household member(s) may enter into a repayment agreement with the funeral home not to exceed \$800.00 (Eight Hundred Dollars) in order to pay for items such as register book, acknowledgement cards, memorial folders, music, flowers, marker, etc. They may not use the deceased individual's resources to pay for this cost, as the person's resources will be deducted from the amount that the county contributes.
- The only exception will be if there is no Immediate Family Member then the Community Assistance Programs Director may approve using the individual's resources towards some of these costs. This supplement cannot be used by the funeral home to pay for any of the services covered by the county funds.

SECTION III. INCOME & RESOURCE ELIGIBILITY GUIDELINES:

The Deceased Individual, Household Members, and Immediate Family Members earned and unearned gross income and all resources will be considered to determine eligibility for burial assistance.

1. Deceased Individual including Household Members:

The Deceased Individual's and Household Members' income will be considered to determine eligibility for burial assistance.

a) Income:

All of the deceased individual's and individual household member's gross income must be 100% or less of the current Federal Poverty Guidelines. Income is determined by taking the total gross household income for six months prior to the death and total projected gross household income for six months after the death.

An Exception to Policy will be evaluated on a case by case basis and only when the exception is requested due to extreme financial hardship. The Community Assistance Programs Director will determine if an exception is warranted.

b) Resources:

All of the deceased individual's and individual household member's resources including but not limited to: cash, savings, checking, Certificate of Deposit (CD's), Individual Retirement Account (IRA), Annuities, 401k accumulative stage, Stocks and Bonds, Whole Life Insurance Policies, equity in real estate will be deducted from the Maximum Burial Benefit to determine the amount of county assistance that may be granted.

2. Other Eligibility Guidelines:

- a) The deceased individual or in the case of a child the deceased child's parent(s) must have resided in Clinton County and/or have legal settlement in Clinton County at the time of his/her death.
- b) The Applicant or the Funeral Home on behalf of the deceased individual must apply for any other burial benefits that the deceased individual may be eligible to receive through any Federal, State or Local program (i.e. Dept. of Veterans Affairs, Social Security Program, Department of Human Services, etc.) and they must provide proof of eligibility determination.

These other burial benefits will be deducted from the Maximum Burial Benefit to determine amount of county assistance.

SECTION IV. BURIAL BENEFITS GUIDELINES FOR VETERANS:

A burial benefit in the maximum amount of \$450.00 (Four Hundred Fifty Dollars) is available to qualified individuals through the Department of Veterans Affairs. These benefits need to be applied for by the funeral home and will be paid directly to the funeral home as noted:

- 1) \$300 (Three Hundred Dollars) for burial fees; and
- 2) \$150 (One Hundred and Fifty Dollars) for the opening and closing costs of the lot.

The \$450.00 benefit will be deducted from Maximum Burial Benefit.

In the event the opening and closing costs were for the burial of cremation ashes in an approved urn, Clinton County will pay nothing towards these costs as the benefit amount is greater than the maximum county benefit of \$95.00 (Ninety Five Dollars) for the opening and closing costs for the burial of an urn.

The value of any private cemetery lot or any lot provided by any Veteran's Organization shall not be considered as part of the "resources" when calculating resource limits or the deceased individual's eligibility for assistance.

SECTION V. INELIGIBILITY GUIDELINES:

Burial Assistance shall be denied or discontinued under the following circumstances.

- a) If the deceased individual has a life insurance policy and/or a pre-paid funeral plan that is equal to or in excess of the county's Maximum Burial Benefit Limit, no additional assistance will be granted.
- b) If the deceased individual's household's resources (i.e. checking, savings, life insurance policy, IRA, home equity, etc.) are over \$1,700.00 (Seventeen Hundred Dollars).
- c) If the deceased individual's household is over the income limits indicated previously, no additional county assistance shall be granted.

- d) If the deceased individual's household declines to provide verification of their financial information the Community Assistance Program Director or the GA Worker may determine that they are ineligible for county assistance for their family member's burial.

SECTION VI. BURIAL APPLICATION PROCESS:

The deceased individual's household members or officially designated representative desiring to apply for assistance shall call the General Assistance office. An initial assessment will be done over the phone and an office visit will be scheduled if eligibility is indicated.

From the initial information provided over the phone, if it appears the individual may not be eligible for assistance (i.e. over income or over resources) they will need to come into the office and complete a written application as a formal decision cannot be made without a completed application.

1. Completing an Application:

The immediate family member(s) or officially designated representative will need to complete an application and provide any other supporting documentation to determine eligibility for assistance. Completed applications must be returned to:

General Assistance Office
Clinton County Administration Building
1900 North Third Street-Po Box 2957
Clinton, Iowa 52732

If the Applicant, due to hardship or handicap, is unable to pick up the Application, they may request an Application to be mailed to their current address of residence.

Additionally, applications are available at the local funeral homes.

2. Review of Application:

If, after review of the Application, it appears that the deceased individual and their immediate family member(s) would be eligible for assistance through other Federal, State or Local programs (i.e. Dept. of Veterans Affairs, Social Security Program, etc.) they will be referred to that program. It shall be the Applicant's responsibility to make application to the referral programs and to pursue said application with diligence. Proof of denial of assistance from the other program shall be required as a condition of eligibility for assistance through the General Assistance Office.

3. Investigation Reports:

The facts of the Application shall be investigated to determine Applicant's eligibility. The applicant and the investigation report shall be made part of the Applicant's file and shall

be made available to Applicant's attorney or other representative upon written authorization of the Applicant, in the event of an Appeal.

4. Legal Settlement Determination:

If an eligible applicant is determined to have legal settlement in another County within the State of Iowa, the Community Assistance Program Director shall contact the County of legal settlement to request financial reimbursement for any or all assistance provided to the applicant.

Additionally, Clinton County shall reimburse another County within the State of Iowa for any or all general assistance provided to an individual who is residing in that county but has been determined to have legal settlement in Clinton County. The amount reimbursed shall not exceed the guidelines established within this General Assistance Policy and all other guidelines shall also apply.

5. Initial Determination:

- a) The initial determination of the Applicant's eligibility shall be issued within five (5) working days after the receipt of the completed Application.
- Within two (2) days following the initial determination, the Applicant's family and/or Legal Representative shall be notified by:
 - A phone call; and.
 - A Notice of Decision shall be mailed to the address listed on the Application. The Notice of Decision shall identify the statutes or ordinances pertaining to that decision and the Applicant's or Legal Representative's right to appeal and the method to appeal. The Board of Supervisors shall be notified in writing of each Appeal request, according to the Appeal Process under Section XII.

SECTION VII. CONFIDENTIALITY:

Clinton County personnel performing actions identified in the Clinton County Indigent Burial Assistance Policy will comply with all applicable State and Federal statutes relating to confidentiality. Protect Health Information (PHI) training will be provided to all parties with access to confidential information to assure knowledge of such statutes.

SECTION VIII. RECORD MAINTANCE/KEEPING AND DESTRUCTION:

Records pertaining to applicants are the property of the County. Care should be taken to ensure the record keeping is done with the interest of the Applicant as the primary concern.

Applicant's records are considered confidential and should be kept in file cabinets designated for this purpose, unless being used by an authorized individual. For security reasons client records must be returned to the designated file cabinets by the end of the business day, or shift,

in the case of "24 hour operations". Applicant's information on Computer Systems shall be kept in secure areas and not left unattended in areas accessible to unauthorized individuals.

Applicant records shall be maintained a minimum of five (5) years following termination of service to the applicant. All personal information pertaining to applicants shall be shredded before placement in common disposal receptacles or if on a disc destroyed. Applicant confidentiality shall be maintained in applicant record destruction. If Clinton County Community Supports Department should cease to function, applicant records shall be transferred to the new provider with appropriate releases signed, or the records shall be destroyed as above, depending upon the circumstances.

SECTION IX. ACCESS TO RECORDS:

Unless otherwise required by applicable statutes or regulations, The County shall allow the Applicant's representative access to records, for purposes of appeals, utilization, and grievance. Copies of reports and records may be provided upon written request at the individual's own expense.

A current or past applicant of the agency may, upon written request, inspect the applicant's own record in the provider agency's office in the presence of staff assigned to the case.

An appropriate person designated in writing, such as the applicant's attorney, guardian, guardian ad litem, or other acceptable person may accompany applicants at the examination. The agency reserves the right to exclude persons who are inappropriate for service reasons. Copies of information or reports generated by the Clinton office may be provided, upon written request, at the individual's own expense.

SECTION X. FAXING CONFIDENTIAL INFORMATION:

Confidential Information transmitted via fax should be limited to only what is necessary to meet the requestor's needs. Special access policies and procedures will apply to faxing of client information including the following:

- a) Secure written Consent to Release Information. Consent to Release Information transmitted via fax is acceptable if all the requirements are met.
- b) Telephone confirmation should be used to verify transmissions. Confidential medical information should be faxed only to monitored machines, and operators should call ahead to alert the recipient that a confidential fax transmission is being sent. Verify fax number to ensure proper transmittal.
- c) All faxed information must have a cover sheet with the sender and receiving facility clearly listed. Approved confidentiality statement must be on the cover sheet of all faxed information as follows:

CONFIDENTIALITY NOTICE: The information contained in this fax is confidential and intended only for the designated recipient. If the reader of the transmittal page is not the intended recipient or a representative of the intended recipient, you are hereby notified that review, dissemination, distribution, or copying of this information is forbidden. If you have received this fax in error, please notify the sender immediately by telephone and return the original by mail to the below address.

- d) Faxed documents may be accepted as original and placed in the record.

SECTION XI. APPEAL PROCESS:

An Applicant who has been denied or their officially designated representative has the right to appeal such decision. The Notice of Decision provided to the Applicant shall advise the Applicant as to the form and method of Appeal. Applicant is responsible to pursue the appeal on his/her own or with the assistance of any person, agent or attorney of his/her choice and at his/her own expense.

The Appeal must be submitted in writing to the General Assistance Office within ten (10) working days of the date on the Notice of Decision. The Appeal shall state the Applicant's full name, current address, telephone number (if any), the type of assistance requested and the reasons for the Appeal.

Upon receipt of the Appeal, the General Assistance Worker shall be responsible to immediately notify the Community Assistance Programs Director, who will review the circumstances and facts of the application. If the Director upholds the Worker's denial, the Director shall notify the Board of Supervisors. (In the absence of the Director, the Worker may notify the Board of Supervisors directly of the Appeal request).

The Appeal shall be placed on the Supervisors' regular agenda for review/hearing no less than five (5) and no more than ten (10) working days after the Supervisors have been notified of the Appeal.

The Applicant shall be notified immediately by phone, if possible, or by ordinary mail at the address stated on the Appeal, of the date, time and place of the hearing before the Board of Supervisors. Applicant and any person, agent or attorney may, upon written authorization, be granted access to the information contained in the Applicant's file, which was used to make the decision.

The Board of Supervisors shall be responsible to hear Applicant's Appeal de novo at the time scheduled on the agenda. If Applicant requests a continuance, said request must be in writing and received by the Board of Supervisors prior to the date and time of hearing, stating the reasons a continuance is needed. If Board has determined that Applicant has shown good cause for the need of a continuance, said continuance may be granted and Applicant will be notified of the new date, time and place of the Appeal hearing.

The Applicant may be physically present at the Appeal hearing if he/she chooses, and may present whatever evidence, verbal or written, necessary to support the basis for his/her Appeal. Witnesses may present verbal testimony and cross-examination shall be allowed. Technical rules of evidence shall not apply. Length of time of hearing shall be determined by the Board of Supervisors based upon the amount of evidence and number of witnesses to testify.

The Appeal Hearing may be held in Closed Session at the request of the Applicant, the Board of Supervisors or the Community Assistance Programs Director, if required according to Iowa Code Ch. 21.5 (Official Meetings Open to Public-Section 5 defines closed session of meetings).

Applicant's file, including confidential information, will be submitted into evidence. The Board may question the Applicant, the GA Worker, the CAP Director and any witnesses present at the hearing. The hearing shall be tape-recorded and the recording of the hearing shall be sealed and shall not be considered a public record open for public inspection if required by Iowa Code Ch. 22 or other State or Federal law.

The Board of Supervisors shall deliberate on the Appeal in closed session if required according to Iowa Code Ch. 21.5.

The Board's Decision on the Appeal:

- a) The Board shall make a decision on the Appeal Hearing within five (5) working days. The Board's decision shall be based on all evidence and testimony submitted to the Board at the Appeal Hearing.
- b) The Applicant shall be informed of the Board's decision immediately by phone (if possible) or by regular mail within 5 (five) working days of the date the Board reaches a decision.
- c) The Notice of Decision shall state the reasons for the decision along with any statute or ordinance used to govern the decision. The Notice of Decision shall also state the Applicant's right to appeal the Board's decision to the District Court. The process to appeal to District Court is governed by the Iowa Administrative Procedures Act, Chapter 17A, Code of Iowa, and the pursuit of this method is the sole responsibility of the Applicant, Applicant's Agent or Attorney.

SECTION XII. ACTIONS OR DECISIONS SUBJECT TO REVIEW:

If the Board of Supervisors questions the actions of the Community Assistance Program Director or the General Assistance Worker concerning the approval of benefits for an Applicant, the Board of Supervisors shall conduct a hearing into the matter. This hearing shall be held in the same form and manner as if the Applicant had requested the Appeal and the Board shall deliberate and give its decision in the same manner as if the Applicant had requested the Appeal.

Previous Policy or provisions contained therein that may be in conflict with this Policy are hereby repealed. This Policy will be in effect from July 1, 2015 forward or until updates/revisions are necessary and approved by the Clinton County Board of Supervisors.

Dated this

Chairperson, Board of Supervisor

Date

Community Assistance Programs Directory

Date

The County Attorney's Office

Date