

SENATE BILL No. 213

By Committee on Public Health and Welfare

2-12

AN ACT concerning prearranged agreements for burial plots; duty of medicaid assistance recipients to inform the secretary of social and rehabilitation services thereof; amending K.S.A. 2002 Supp. 16-311 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2002 Supp. 16-311 is hereby amended to read as follows: 16-311. (a) Whenever a person, who is or has been a recipient of medical assistance from the department of social and rehabilitation services, enters into a prearranged funeral agreement, contract or plan pursuant to K.S.A. 16-301, and amendments thereto, or a prearranged funeral agreement, contract or plan funded by insurance proceeds, *or a prearranged agreement, contract or plan for a burial plot or a prearranged agreement, contract or plan for a burial plot funded by insurance proceeds*, such person shall inform the secretary of social and rehabilitation services or the secretary's designee of the existence of such an agreement, contract or plan and shall inform the funeral establishment that such person is or has been a recipient of medical assistance.

(b) If any balance remains after payment for the final disposition of a dead human body, or for funeral or burial services, or funeral or burial merchandise, *or a burial plot*, and the purchaser of the agreement, contract, or plan is or has been a recipient of medical assistance or a deceased surviving spouse of a recipient of medical assistance, any remaining balance shall be paid according to K.S.A. 16-304, and amendments thereto, or if ~~said~~ *the* agreement, contract or plan was funded by insurance, any remaining balance shall be paid by the insurance company or the person, association, partnership, firm or corporation providing the services ~~or~~, merchandise *or burial plot* to the secretary of social and rehabilitation services or the secretary's designee, to the extent of medical assistance expended on the deceased recipient.

(c) Payments to the secretary of social and rehabilitation services under subsection (b) and K.S.A. 16-304, and amendments thereto, shall be governed by subsection (g)(2) of K.S.A. 39-709, and amendments thereto.

(d) *As used in this section, "burial plot" means cemetery lot, grave lot, grave space, crypt, burial niche, tomb or other place where a deceased*

1 *human body or the cremated remains thereof are interred.*

2 Sec. 2. K.S.A. 2002 Supp. 16-311 is hereby repealed.

3 Sec. 3. This act shall take effect and be in force from and after its
4 publication in the statute book.

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43