

**CURRY COUNTY
RESOLUTION NO. 2021-45**

**A RESOLUTION AMENDING RESOLUTION 2003-06 THE CURRY COUNTY
INDIGENT HOSPITAL CLAIMS POLICY
AMENDMENT #5**

WHEREAS, the Board of County Commission of Curry County have previously adopted the Curry County Indigent Hospital Claims Policy, Resolution 2003-06, on February 18, 2003; and,

WHEREAS, said Resolution 2003-06 has been previously amended four (4) times.

NOW, THEREFORE BE IT RESOLVED that Resolution 2003-06, the Curry County Indigent Hospital Claims Policy as amended, is hereby amended as follows:

1. A new Section I(a), Paragraphs 1 is created and added to the policy which shall state:

INDIGENT BURIAL/CREMATION

The Curry County Board of County Commission acting as the Curry County Indigent Board, has established a Burial/Cremation Fund (hereinafter referred to as the "Fund") in accordance with NMSA 24-13-1, e. seq. 2018, for residents of Curry County or if residence is not known, decedents found in Curry County.

The Fund will be administered by the Curry County Manager, unless the Board of County Commission hires an Indigent Administrator, to act on behalf of the Board. The Indigent Administrator will process all requests and authorize payments in accordance with this section and/or State Statutes.

Unclaimed Decedent is a dead person "whose body has not been claimed by a friend, relative or other interested person assuming the responsibility for and expense of disposition."

Indigent Decedent is a dead person whose "...estate is insufficient to cover the cost of burial or cremation."

Expenses for burial or cremation:

Maximum of \$600.00 for cremation/burial

Maximum of \$600.00 for opening/closing of the grave

The total expenses for burial or cremation provided by the funeral home in preparation of the deceased, including transportation, legal paperwork, embalming, casket, cemetery plot, crematorium costs, etc. shall not exceed \$600.00

The total expenses for opening/closing of grave shall not exceed \$600.00.

Before any payment is made by County pursuant to this policy, any and all other types of funding sources must be applied to cover said burial/cremation costs including but limited to funding from family members or friends, death benefits from Social Security, VA, insurance or from the estate of the deceased.

All authorized payments from the Curry County Indigent Burial Cremation Fund shall be made directly to the funeral home.

Burial may not be an available option if the County is unable to obtain a funeral home or cemetery that can provide burial services within the available guideline.

Applying for Assistance

Assignments from the Office of Medical Investigation (OMI) or the Hospital/County morgue for unclaimed decedents are eligible for funding under this policy.

In order to obtain funding for any burial or cremation, the surviving spouse, parent, adult child or closest living relative or friend of an indigent decedent must submit the approved application for assistance directly to the funeral home and provide detailed information regarding the decedent's estate. The Indigent Administrator will review and determine eligibility for funding under this policy and shall notify the applicant and the funeral home.

Any burial/cremation request that is received after the interment/disposition will not be honored.

In order for the County to make its Indigent Burial/Cremation Program policy known to all potential clients of funeral homes, it is hereby declared to be the responsibility and obligation of the funeral director to determine the need for financial assistance and to make referrals to the County when appropriate.

Duty of Funeral Directors

Pursuant to this Resolution, in order to submit a request for payment by Curry County, Funeral Directors must:

- a. Make all determinations/referrals to County on indigent burials.
- b. Provide burial/cremation services for qualified decedents within statutory limits as defined in this policy.
- c. Notify the County of any payment or offer for payment from relatives or friends for the deceased made on behalf of an indigent or unclaimed decedent. If payment has already been made from the County, this amount shall be refunded to the County up to the amount paid by the County.
- d. When the disposition of an unclaimed or indigent decedent is complete, the funeral director or representative authorized to act on behalf of the funeral shall submit

the following documentation before payment will be made from the Indigent Burial/Cremation Fund:

Certification for Burial/Cremation

All certificates for an indigent burial or cremation must contain the following information:

1. Indicate date of burial/cremation.
 2. Indicate location of burial including name of cemetery and plot number.
 3. One (1) Death Certificate for each decedent.
 4. Invoice for costs of burial/cremation and/or opening/closing of the grave.
 5. Certification of assets/Income from estate.
- a. The funeral director will store the remains and maintain the records for each burial/cremation a minimum of two (2) years from date of burial/cremation for the County.
 - b. When the estate or next of kin does not accept the decedent, the funeral director will obtain a signed notarized Termination of Right of Disposition form from the decedent's family and submit to the County Indigent Administrator.

Duty of the Indigent Administrator Acting on Behalf of the Board

- a. Verify that the estate is insufficient to cover the cost of the burial/cremation, to the extent allowed by the law.
- b. Make disposition arrangements upon receipt of assignment of an unclaimed decedent within seven (7) business days or as soon as possible after notification from OMI or Hospital/County Morgue.
- c. Assist family members in applying for assistance for an indigent burial/cremation.
- d. Authorize cremations of an unclaimed decedent when no surviving family member or legal next of kin has been identified or located or whose body has not been claimed by a friend, relative or other interested person assuming the responsibility for and expense of disposition. Absent a showing of bad faith or malicious intent, the Indigent Administrator and the establishment carrying out the burial/cremation shall be immune for liability related to any and all burial/cremation performed pursuant to this Resolution.
- e. Ensure that the body of an unclaimed decedent is buried or cremated no later than thirty (30) day after the determination has been made that the body has not been claimed.
- f. If the body is cremated, ensure that the cremains are retained no less than two years and a record of the location of the cremations shall be retained for not less than five years.

- g. Determine if adequate payment arrangements have been made to permit the release of the cremains to the decedent's next of kin.
- h. Work with the funeral home to arrange for disposition of cremains held for more than two years.

BE IT FURTHER RESOLVED, that all of the remaining portions of Resolution 2003-06, as amended, not specifically altered, changed or modified herein, shall remain in full force and effect

DONE this 29TH day of June, 2021.


**BOARD OF CURRY COUNTY
COMMISSIONERS**



Robert Thornton, Chairman



Seth Martin, Vice Chairman



Robert Sandoval, Commissioner



Chet Spear, Commissioner



James Ridling, Commissioner





Annie Hogland, County Clerk

REVIEWED FOR LEGAL SUFFICIENCY:



Stephen E. Doerr, County Attorney