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**From:** Leake, Tamiko [tleake@taiginc.org]  
**Sent:** Monday, October 19, 2009 1:25 PM  
**To:** IRRRC  
**Subject:** Comments on Proposed Pre-need Regulations  
**Attachments:** Kim Kaufman - Independent Regulatory Review Commission.doc

Good Day:

Attached please find The Association for Independent Growth's comments on Proposed Pre-need Regulations. Should you have any questions, please feel free to call Joseph R. Bucci at 215-320-2040 ext. 2207 or email him at [jbucci@taiginc.org](mailto:jbucci@taiginc.org).

On behalf of Joseph R. Bucci, President & CEO of TAIG, Inc., Thank you for your time and consideration.

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INDEPENDENT REGULATORY  
REVIEW COMMISSION

October 16, 2009

Kim Kaufman  
Executive Director  
Independent Regulatory Review Commission  
333 Market Street, 14<sup>th</sup> Floor  
Harrisburg, PA 17101  
Fax: 717-783-2664

Re: *Comments on Proposed Pre-need Regulations*

Dear Ms Kaufman:

The Association for Independent Growth, Inc. (TAIG) is a not for profit agency which provides comprehensive residential services to adults with mental illness and mental retardation. TAIG is funded through contracts with Philadelphia County and the Department of Public Welfare. I am writing to comment on the proposed Pre-need Funeral Arrangements and Pre-need Activities of Unlicensed Employees regulations.

The individuals served by TAIG live on limited incomes and subsist on Supplemental Security Income (SSI) benefits. These individuals, as a result of their SSI eligibility, also are entitled to participate in the Medical Assistance (MA) program. The MA program provides individuals with significant disabilities with health care and support services they need to remain in their own homes and communities.

As you may know, SSI eligibility and, concomitantly, MA eligibility can be jeopardized if an individual has either higher income or greater "resources" than are permitted by federal law. The resource limit is quite low, allowing an individual to have no more than \$2,000 in assets to remain eligible for SSI and MA. In counting resources, however, federal law excludes an *irrevocable* burial fund as long as the fund does not exceed \$1,500. This allows individuals on SSI to set aside money for their funeral arrangements without jeopardizing their SSI and MA eligibility.

TAIG is extremely concerned that the proposed regulations could lead to the loss of SSI and MA benefits for over 300 of its service recipients. Specifically, Section 13.228 which governs the transfer of pre-need funeral contracts lacks clarity as to whether revocable, irrevocable or both types of contract are effected. Also, TAIG is alarmed by the fact that other proposed regulations regarding pre-need planning could be so complex that funeral entities would cease to engage in such planning, therefore restricting the ability of TAIG consumers to participate in pre-arranged funerals.

Kim Kaufman  
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Therefore, TAIG respectfully urges the IRRC to disapprove the regulations as presently written until substantial changes are made.

Thank you for considering The Association for Independent Growth's comments and recommendations.

Sincerely,

Joseph R. Bucci  
President & CEO