

Top Twelve Changes to Missouri Pre-need Law

1. Licenses are now required to be a preneed seller or provider and these licenses are subject to denial and/or discipline just as funeral director and embalmer licenses are. In addition, any salesperson/counselor selling preneed needs to register with the State Board.

2. All preneed contract payments must be deposited into the trust within 60 days of receipt. The Trustee then pays back out to the seller as per agreement (not more than 20% on existing contracts, not more than 15% on new contracts).

3. Provider obligated to provide services in contract when they are listed as provider whether there is money backing the contracts or not.

4. Must have a written agreement between the Seller and Provider that complies with new statutory provisions unless the Seller and Provider are the same entity.

5. Purchasers may sign a waiver to qualify for Medicaid at any time.

6. No Seller can change the funding source without written consent of purchaser – for example, if purchaser sets up as a joint account, the seller can't move it to a trust; if purchaser sets up as a trust, can't use insurance.

7. Consumer can cancel at any time or can change providers at any time.

8. Once the initial 15% payments are made, all money remains in trust until time of death of the beneficiary. Seller not entitled to any funds until the purchaser's death.

9. The Certificate of Performance required to receive payment on a preneed contract must be signed by both the funeral director and the consumer.

10. Preneed payments for joint accounts must be deposited within 10 days of receipt.

11. A seller's license is required for preneed contracts funded by insurance.

12. Annual report rules have changed and require more detail.