

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 533

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO COUNTY ASSISTANCE; AMENDING SECTION 31-863, IDAHO CODE, TO REVISE TERMINOLOGY, TO REMOVE REFERENCE TO THE MEDICALLY INDIGENT, TO PROVIDE A CORRECT CODE REFERENCE, TO PROVIDE THAT THE AD VALOREM TAX MAY BE USED ON ADMINISTRATIVE COSTS, TO REVISE THE LIMIT ON AN AD VALOREM TAX AND TO PROVIDE THAT COUNTIES MUST REDUCE THE APPROVED PROPERTY TAX LEVY PORTION OF THEIR BUDGET WITHIN A CERTAIN TIME FRAME; AMENDING SECTION 31-3401, IDAHO CODE, TO REVISE TERMINOLOGY, TO REMOVE REFERENCE TO ASSISTANCE IN A TEMPORARY SITUATION, TO PROVIDE THAT BOARDS SHALL CREATE APPLICATIONS AND TO PROVIDE A CORRECT CODE REFERENCE; REPEALING SECTION 31-3404, IDAHO CODE, RELATING TO APPLICATION FOR NONMEDICAL INDIGENT ASSISTANCE; REPEALING SECTION 31-3405, IDAHO CODE, RELATING TO ELIGIBILITY CLASSIFICATIONS AND DURATION OF ASSISTANCE FOR PURPOSES OF ELIGIBILITY; REPEALING SECTION 31-3406, IDAHO CODE, RELATING TO INVESTIGATION OF APPLICATION; AMENDING SECTION 31-3407, IDAHO CODE, TO REVISE TERMINOLOGY; REPEALING SECTION 31-3408, IDAHO CODE, RELATING TO ELIGIBILITY; REPEALING SECTION 31-3409, IDAHO CODE, RELATING TO APPLICATION OF STATE AND FEDERAL PROGRAM AND INTERIM RELIEF SUBROGATION OF COUNTY TO RECEIPT OF FEDERAL PAYMENTS; REPEALING SECTION 31-3410, IDAHO CODE, RELATING TO DECISION OF COUNTY; REPEALING SECTION 31-3411, IDAHO CODE, RELATING TO NOTICE OF APPEAL; REPEALING SECTION 31-3414, IDAHO CODE, RELATING TO REPAYMENT BY RECIPIENT; REPEALING SECTION 31-3415, IDAHO CODE, RELATING TO DIVESTITURE; REPEALING SECTION 31-3416, IDAHO CODE, RELATING TO VIOLATIONS AND PENALTY; REPEALING SECTION 31-3417, IDAHO CODE, RELATING TO SEPARABILITY; REPEALING SECTION 31-3501, IDAHO CODE, RELATING TO DECLARATION OF POLICY; REPEALING SECTION 31-3502, IDAHO CODE, RELATING TO DEFINITIONS; AMENDING SECTION 31-3503, IDAHO CODE, TO REMOVE REFERENCE TO SERVICES FOR THE MEDICALLY INDIGENT AND TO PROVIDE CRITERIA FOR COUNTIES LEVYING FOR MEDICAL INDIGENT PURPOSES WITHIN A CERTAIN TIME FRAME; REPEALING SECTION 31-3503A, IDAHO CODE, RELATING TO POWERS AND DUTIES OF THE BOARD; REPEALING SECTION 31-3503B, IDAHO CODE, RELATING TO RECIPROCAL AGREEMENTS AND OUT-OF-STATE TREATMENT; REPEALING SECTION 31-3503C, IDAHO CODE, RELATING TO POWERS AND DUTIES OF THE DEPARTMENT; REPEALING SECTION 31-3503D, IDAHO CODE, RELATING TO COUNTY PARTICIPATION AND CONTRIBUTION; REPEALING SECTION 31-3503E, IDAHO CODE, RELATING TO MEDICAID ELIGIBILITY DETERMINATION; REPEALING SECTION 31-3503F, IDAHO CODE, RELATING TO MEDICAL HOME; REPEALING SECTION 31-3504, IDAHO CODE, RELATING TO APPLICATION FOR FINANCIAL ASSISTANCE; REPEALING SECTION 31-3505, IDAHO CODE, RELATING TO TIME AND MANNER OF FILING APPLICATIONS FOR FINANCIAL ASSISTANCE; REPEALING SECTION 31-3505A, IDAHO CODE, RELATING TO INVESTIGATION OF APPLICATION BY THE CLERK; REPEALING SECTION 31-3505B, IDAHO CODE, RELATING TO APPROVAL BY THE COUNTY COMMISSIONERS; REPEALING SECTION 31-3505C, IDAHO CODE, RELATING TO INITIAL DECISION BY THE COUNTY COMMISSIONERS; REPEALING SECTION 31-3505D, IDAHO CODE, RELATING TO APPEAL OF INITIAL DETERMINATION

DENYING AN APPLICATION; REPEALING SECTION 31-3505E, IDAHO CODE, RELATING TO HEARING ON APPEAL OF INITIAL DETERMINATION DENYING AN APPLICATION; REPEALING SECTION 31-3505F, IDAHO CODE, RELATING TO ARBITRATION; REPEALING SECTION 31-3505G, IDAHO CODE, RELATING TO PETITION FOR JUDICIAL REVIEW OF FINAL DETERMINATION; REPEALING SECTION 31-3506, IDAHO CODE, RELATING TO OBLIGATED COUNTY; REPEALING SECTION 31-3507, IDAHO CODE, RELATING TO TRANSFER OF A MEDICALLY INDIGENT PATIENT; REPEALING SECTION 31-3508, IDAHO CODE, RELATING TO LIMITATIONS ON PAYMENTS FOR NECESSARY MEDICAL SERVICES; REPEALING SECTION 31-3508A, IDAHO CODE, RELATING TO PAYMENT FOR NECESSARY MEDICAL SERVICES BY AN OBLIGATED COUNTY; REPEALING SECTION 31-3509, IDAHO CODE, RELATING TO ADMINISTRATIVE OFFSETS AND COLLECTIONS BY HOSPITALS AND PROVIDERS; REPEALING SECTION 31-3510, IDAHO CODE, RELATING TO RIGHT OF SUBROGATION; REPEALING SECTION 31-3510A, IDAHO CODE, RELATING TO REIMBURSEMENT; REPEALING SECTION 31-3511, IDAHO CODE, RELATING TO VIOLATIONS AND PENALTIES; AMENDING SECTION 31-3514, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; REPEALING SECTION 31-3517, IDAHO CODE, RELATING TO ESTABLISHMENT OF A CATASTROPHIC HEALTH CARE COST PROGRAM; REPEALING SECTION 31-3518, IDAHO CODE, RELATING TO ADMINISTRATIVE RESPONSIBILITY; REPEALING SECTION 31-3519, IDAHO CODE, RELATING TO APPROVAL AND PAYMENT BY THE BOARD; REPEALING SECTION 31-3520, IDAHO CODE, RELATING TO CONTRACT FOR PROVISION OF NECESSARY MEDICAL SERVICES FOR THE MEDICALLY INDIGENT; REPEALING SECTION 31-3521, IDAHO CODE, RELATING TO EMPLOYMENT OF PHYSICIAN; REPEALING SECTION 31-3550, IDAHO CODE, RELATING TO DECLARATION OF PUBLIC POLICY; REPEALING SECTION 31-3551, IDAHO CODE, RELATING TO ADVISORY PANEL FOR PRELITIGATION CONSIDERATION OF INDIGENT RESOURCE ELIGIBILITY CLAIMS AND PROCEDURE; REPEALING SECTION 31-3552, IDAHO CODE, RELATING TO APPOINTMENT AND COMPOSITION OF ADVISORY PANEL; REPEALING SECTION 31-3553, IDAHO CODE, RELATING TO ADVISORY DECISIONS OF PANEL; REPEALING SECTION 31-3554, IDAHO CODE, RELATING TO TOLLING OF LIMITATION PERIODS DURING PENDENCY OF PROCEEDINGS; REPEALING SECTION 31-3555, IDAHO CODE, RELATING TO STAY OF COURT PROCEEDINGS IN INTEREST OF HEARING BEFORE PANEL; REPEALING SECTION 31-3556, IDAHO CODE, RELATING TO EXPENSES FOR ADVISORY PANEL MEMBERS; REPEALING SECTION 31-3557, IDAHO CODE, RELATING TO FREQUENCY OF AND AGENDA FOR MEETINGS; REPEALING SECTION 31-3558, IDAHO CODE, RELATING TO NONDISCLOSURE OF PERSONAL IDENTIFYING INFORMATION; REPEALING SECTION 57-813, IDAHO CODE, RELATING TO CATASTROPHIC HEALTH CARE COST ACCOUNT; AMENDING SECTION 66-318, IDAHO CODE, TO PROVIDE THAT COUNTIES SHALL HAVE NO RESPONSIBILITY FOR COSTS OF VOLUNTARY TREATMENT OF ADULTS; AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 31-863, Idaho Code, be, and the same is hereby amended to read as follows:

31-863. LEVY FOR CHARITIES FUND. (1) For the purpose of ~~nonmedical~~ indigent burial assistance pursuant to chapter 34, title 31, Idaho Code, and for the purpose of providing financial assistance ~~on behalf of the medically indigent~~ for involuntary mental health, pursuant to chapter 35, title 31-66, Idaho Code, and for administrative costs for providing services contained

1 within this section, said boards are authorized to levy an ad valorem tax not
 2 to exceed ~~ten~~ three hundredths of one percent (.403%) of the market value for
 3 assessment purposes of all taxable property in the county.

4 (2) Before calculating the maximum amount of property tax levied in tax
 5 year 2017, pursuant to section 63-802, Idaho Code, the county must first re-
 6 duce the approved property tax levy portion of their budget, subject to the
 7 limitation in section 63-802(1), Idaho Code, for each of the immediate prior
 8 three (3) years, in an amount equal to the medical indigent expenses incurred
 9 up to the amount levied in the county's 2016 fiscal year, which amount shall
 10 be reported to the state tax commission not later than July 30, 2016.

11 SECTION 2. That Section 31-3401, Idaho Code, be, and the same is hereby
 12 amended to read as follows:

13 31-3401. POWERS AND DUTIES OF THE BOARD OF COUNTY COMMISSIONERS. The
 14 boards of county commissioners in their respective counties shall, under
 15 such limitations and restrictions as are prescribed by law, evaluate the
 16 need and provide to indigent person(s) ~~nonmedical burial~~ assistance in a
 17 ~~temporary situation~~ only when no alternatives exist. ~~Nothing in this chap-~~
 18 ~~ter shall imply county assistance is to be provided on a continuing basis.~~
 19 Boards of county commissioners, by resolution, shall promulgate policies
 20 and procedures including creating an application, may negotiate payment to
 21 providers, and may contract for ~~nonmedical burial~~ services, pursuant to this
 22 chapter. For the purpose of funding ~~nonmedical burial~~ services for indigent
 23 persons, boards of county commissioners are authorized to levy an ad valorem
 24 tax pursuant to section 31-~~3503~~3863, Idaho Code.

25 SECTION 3. That Sections 31-3404, 31-3405 and 31-3406, Idaho Code, be,
 26 and the same are hereby repealed.

27 SECTION 4. That Section 31-3407, Idaho Code, be, and the same is hereby
 28 amended to read as follows:

29 31-3407. OBLIGATED COUNTY. The county obligated for payment of
 30 ~~nonmedical burial~~ assistance for eligible applicants shall be the county in
 31 which said applicant currently maintains a residence at the time of appli-
 32 cation.

33 SECTION 5. That Sections 31-3408 through 31-3411, Idaho Code, be, and
 34 the same are hereby repealed.

35 SECTION 6. That Sections 31-3414 through 31-3417, Idaho Code, be, and
 36 the same are hereby repealed.

37 SECTION 7. That Sections 31-3501 and 31-3502, Idaho Code, be, and the
 38 same are hereby repealed.

39 SECTION 8. That Section 31-3503, Idaho Code, be, and the same is hereby
 40 amended to read as follows:

1 31-3503. POWERS AND DUTIES OF COUNTY COMMISSIONERS. The county com-
 2 missioners in their respective counties shall, under such limitations and
 3 restrictions as are prescribed by law, ÷

4 ~~(1) Pay for necessary medical services for the medically indigent res-~~
 5 ~~idents of their counties as provided in this chapter and as approved by the~~
 6 ~~county commissioners at the reimbursement rate up to the total sum of eleven~~
 7 ~~thousand dollars (\$11,000) in the aggregate per resident in any consecutive~~
 8 ~~twelve (12) month period or contract for the provision of necessary medical~~
 9 ~~services pursuant to sections 31-3520 and 31-3521, Idaho Code.~~

10 ~~(2) Have the right to contract with providers, transfer patients, ne-~~
 11 ~~gotiate provider agreements, conduct utilization management or any portion~~
 12 ~~thereof, pay for authorized expenses directly, or indirectly through the~~
 13 ~~use of alternative programs, that would assist in managing costs of provid-~~
 14 ~~ing health care for indigent persons, and all other powers incident to the~~
 15 ~~county's duties created by this chapter.~~

16 ~~(3) Cooperate with the department, the board and contractors retained~~
 17 ~~by the department or the board to provide services including, but not limited~~
 18 ~~to, medicaid eligibility review and utilization management on behalf of the~~
 19 ~~counties and the board.~~

20 ~~(4) H~~have the jurisdiction and power to provide county hospitals and
 21 public general hospitals for the county and others who are sick, injured,
 22 maimed, aged and infirm and to erect, enlarge, purchase, lease, or otherwise
 23 acquire, and to officer, maintain and improve hospitals, hospital grounds,
 24 nurses' homes, shelter care facilities and residential or assisted living
 25 facilities as defined in section 39-3301, Idaho Code, superintendent's
 26 quarters, medical clinics, as that term is defined in section 39-1319, Idaho
 27 Code, medical clinic grounds or any other necessary buildings, and to equip
 28 the same, and to replace equipment, and for this purpose said commissioners
 29 may levy an additional tax of not to exceed six hundredths percent (.06%) of
 30 the market value for assessment purposes on all taxable property within the
 31 county. The term "public general hospitals" as used in this subsection shall
 32 be construed to include nursing homes.

33 For those counties levying for medical indigent purposes, before cal-
 34 culating the maximum amount of property tax levied in tax year 2016, pur-
 35 suant to section 63-802, Idaho Code, the county must first reduce the ap-
 36 proved property tax levy portion of their budget, subject to the limitation
 37 in section 63-802(1), Idaho Code, for each of the immediate prior three (3)
 38 years, in an amount equal to the medical indigent expenses incurred up to
 39 the amount levied in the county's 2015 fiscal year, which amount shall be re-
 40 ported to the state tax commission no later than July 30, 2015.

41 SECTION 9. That Sections [31-3503A](#) through [31-3503F](#), Idaho Code, be, and
 42 the same are hereby repealed.

43 SECTION 10. That Sections [31-3504](#) through [31-3511](#), Idaho Code, be, and
 44 the same are hereby repealed.

45 SECTION 11. That Section 31-3514, Idaho Code, be, and the same is hereby
 46 amended to read as follows:

1 31-3514. INTERNAL MANAGEMENT -- ACCOUNTS AND REPORTS. Such facilities
 2 as referred to in section 31-3503(2), Idaho Code, may suitably provide for
 3 and accept other patients and must charge and accept payments from such other
 4 patients as are able to make payments for services rendered and care given.
 5 The county commissioners may make suitable rules and regulations for the
 6 management and operation of such property by a suitable board of control, or
 7 otherwise, or for carrying out such hospital uses and purposes under a lease
 8 of the same.

9 The boards or officers or lessees of such hospital property shall render
 10 accounts and reports to the county commissioners as may be required by the
 11 county commissioners; and shall render accounts and deliver over any and all
 12 moneys received by them for the county to the county treasurer to be credited
 13 to the operation expense of hospitals and indigent sick and otherwise depen-
 14 dent poor of the county in such manner as provided by law for the handling of
 15 funds of this kind.

16 Said board of control may permit persons from out of the county where
 17 such hospital is located to be admitted for hospitalization to such hospi-
 18 tal. As to such cases special rates for the use and service of such hospi-
 19 tal may be provided which rates shall apply equally to all such patients who
 20 do not pay taxes within the county where such hospital is located. The pur-
 21 pose of providing such special rates shall be to compel persons living out of
 22 the county where such hospital is located, and who receive hospitalization
 23 in such hospital, to bear a just burden of the cost of construction and main-
 24 tenance of such hospital.

25 SECTION 12. That Sections [31-3517](#) through [31-3521](#), Idaho Code, be, and
 26 the same are hereby repealed.

27 SECTION 13. That Sections [31-3550](#) through [31-3558](#), Idaho Code, be, and
 28 the same are hereby repealed.

29 SECTION 14. That Section [57-813](#), Idaho Code, be, and the same is hereby
 30 repealed.

31 SECTION 15. That Section 66-318, Idaho Code, be, and the same is hereby
 32 amended to read as follows:

33 66-318. AUTHORITY TO ADMIT VOLUNTARY PATIENTS -- DENIAL OF ADMIS-
 34 SION. (1) The director of any facility may admit as a voluntary patient the
 35 following persons for observation, diagnosis, evaluation, care or treatment
 36 of mental illness:

37 (a) Any person who is eighteen (18) years of age or older;

38 (b) Any individual fourteen (14) to eighteen (18) years of age who may
 39 apply to be admitted for observation, diagnosis, evaluation, care or
 40 treatment and the facility director will notify the parent, parents or
 41 guardian of the individual of the admission; a parent or guardian may
 42 apply for the individual's release and the facility director will re-
 43 lease the patient within three (3) days, excluding Saturdays, Sundays
 44 and legal holidays, of the application for discharge, unless the time
 45 period for diagnosis, evaluation, care or treatment is extended pur-
 46 suant to section 66-320, Idaho Code;

1 (c) Any emancipated minor;

2 (d) Any individual under fourteen (14) years of age upon application of
3 the individual's parent or guardian, provided that admission to an in-
4 patient facility shall require a recommendation for admission by a des-
5 ignated examiner;

6 (e) Any individual who lacks capacity to make informed decisions about
7 treatment upon application of the individual's guardian; provided that
8 admission to an inpatient facility shall require a recommendation for
9 admission by a designated examiner; or

10 (f) Any individual confined for examination pursuant to section 18-211
11 or 20-520, Idaho Code.

12 (2) The director of any facility must refuse admission to any applicant
13 under this section whenever:

14 (a) The applicant is determined not to be in need of observation, diag-
15 nosis, evaluation, care or treatment at the facility;

16 (b) The applicant is determined to lack capacity to make informed deci-
17 sions about treatment unless the application is made by a guardian with
18 authority to consent to treatment; or

19 (c) The applicant's welfare or the welfare of society, or both, are bet-
20 ter protected by the provisions of section 66-329, Idaho Code.

21 (3) Counties shall have no responsibility for costs of voluntary treat-
22 ment of adults under this chapter.

23 SECTION 16. This act shall be in full force and effect on and after Octo-
24 ber 1, 2016.