

TITLE 31
COUNTIES AND COUNTY LAW

CHAPTER 35
HOSPITALS FOR INDIGENT SICK

31-3501. POWERS AND DUTIES OF COUNTY COMMISSIONERS. The county commissioners in their respective counties shall, under such limitations and restrictions as are prescribed by law, have the jurisdiction and power to provide county hospitals and public general hospitals for the county and others who are sick, injured, maimed, aged and infirm and to erect, enlarge, purchase, lease, or otherwise acquire, and to officer, maintain and improve hospitals, hospital grounds, nurses' homes, shelter care facilities and residential or assisted living facilities as defined in section [39-3301](#), Idaho Code, superintendent's quarters, medical clinics, as that term is defined in section [39-1319](#), Idaho Code, medical clinic grounds or any other necessary buildings, and to equip the same, and to replace equipment, and for this purpose said commissioners may levy an additional tax of not to exceed six hundredths percent (.06%) of the market value for assessment purposes on all taxable property within the county. The term "public general hospitals" as used in this subsection shall be construed to include nursing homes.

[(31-3501) 31-3503, added 1974, ch. 302, sec. 12, p. 1769; am. 1980, ch. 185, sec. 3, p. 411; am. 1982, ch. 190, sec. 2, p. 512; am. 1983, ch. 215, sec. 2, p. 596; am. 1989, ch. 193, sec. 2, p. 476; am. 1990, ch. 87, sec. 10, p. 181; 1991, 1990 am. to section repealed, ch. 233, sec. 1, p. 553; am. 1991, ch. 233, sec. 8, p. 558; am. 1993, ch. 112, sec. 2, p. 285; am. 1995, ch. 9, sec. 1, p. 14; am. 1995, ch. 82, sec. 5, p. 222; am. 1996, ch. 322, sec. 14, p. 1042; am. 1996, ch. 410, sec. 4, p. 1361; am. 1997, ch. 174, sec. 1, p. 492; am. 2000, ch. 274, sec. 3, p. 804; am. 2009, ch. 177, sec. 5, p. 563; am. 2010, ch. 273, sec. 3, p. 694; am. 2011, ch. 291, sec. 5, p. 799; am. 2012, ch. 61, sec. 1, p. 163; am. and redesisg. 2022, ch. 318, sec. 8, p. 1018.]

31-3502. ELIGIBILITY FOR FINANCIAL ASSISTANCE. (1) Notwithstanding any provision of law or rule to the contrary, no person eligible for medicaid pursuant to section [56-254](#) or [56-267](#), Idaho Code, shall be eligible for financial assistance pursuant to this chapter as it existed on March 1, 2022.

(2) Notwithstanding any provision of law or rule to the contrary, no person eligible for health insurance shall be eligible for financial assistance pursuant to this chapter as it existed on March 1, 2022.

(3) Notwithstanding any provision of law or rule to the contrary, no person in a commitment proceeding pursuant to [chapter 3, title 66](#), Idaho Code, who is eligible for medicaid or eligible for health insurance shall be eligible for financial assistance pursuant to this chapter as it existed on March 1, 2022.

(4) A board of county commissioners, the board of the catastrophic health care cost program, or the department of health and welfare receiving an application for assistance for services received through March 31, 2022, shall process such application pursuant to this chapter as it existed on March 1, 2022.

(5) It is the intent of the legislature that moneys saved by counties pursuant to this section may be used for additional county aid to public health districts as required by section [39-424A](#), Idaho Code.

[(31-3502) 31-3505H, added 2021, ch. 336, sec. 1, p. 1020; am. and redesisg. 2022, ch. 318, sec. 24, p. 1020.]

31-3503. REIMBURSEMENT. (1) An approved application for financial assistance for services received through March 31, 2022, shall obligate an applicant to reimburse the obligated county and the state for such reasonable portion of the financial assistance paid on behalf of the applicant as the county commissioners may determine that the applicant is able to pay from resources over a reasonable period of time. Cash amounts received shall be prorated between the county and the state in proportion to the amount each has paid. Moneys distributed to the state shall be deposited into the state general fund.

(2) A final determination shall not relieve the applicant's duty to make additional reimbursement from resources if the county commissioners subsequently find within a reasonable period of time that there has been a substantial change in circumstances such that the applicant is able to pay additional amounts up to the total claim paid on behalf of the applicant.

(3) A final determination shall not prohibit the county commissioners from reviewing a petition from an applicant to reduce an order of reimbursement based on a substantial change in circumstances.

(4) The automatic lien created pursuant to the chapter may be filed and recorded in any county of this state wherein the applicant has resources and may be liquidated or unliquidated in amount. Nothing herein shall prohibit an applicant from executing a consensual lien in addition to the automatic lien created by filing an application pursuant to this chapter. In the event that resources can be located in another state, the clerk may file the lien with the district court and provide notice to the recipient. The recipient shall have twenty (20) days to object, following which the district court shall enter judgment against the recipient. The judgment entered may thereafter be filed as provided for the filing of a foreign judgment in that jurisdiction.

(5) The county shall have the same right of recovery as provided to the state of Idaho pursuant to sections [56-218](#) and [56-218A](#), Idaho Code.

(6) The county commissioners may require the employment of such of the medically indigent as are capable and able to work and whose attending physician certifies they are capable of working.

(7) That portion of the moneys received by a county as reimbursement that are not assigned to the state shall be credited to the respective county current expense fund.

(8) The automatic lien attached to an application for services received through March 31, 2022, pursuant to this chapter as it existed on March 1, 2022, shall continue to be valid for the purposes of collecting reimbursement pursuant to this section.

(9) Upon receipt of a settlement application, the county commissioners may negotiate and settle a case for financial assistance paid, which includes full lien release, on behalf of the state.

[(31-3503) 31-3510A, added 1983, ch. 215, sec. 4, p. 597; repealed 1990, ch. 87, sec. 1, p. 178; reinstated 1991, ch. 233, sec. 1, p. 553; am. 1996, ch. 410, sec. 21, p. 1369; am. 2008, ch. 189, sec. 2, p. 594; am. 2010, ch. 273, sec. 20, p. 704; am. 2011, ch. 291, sec. 20, p. 808; am. and redesisg. 2022, ch. 318, sec. 31, p. 1020; am. 2023, ch. 32, sec. 3, p. 162.]

31-3504. JOINT COUNTY HOSPITALS. Recognizing the need of hospitals for the public welfare and the burden for one (1) county to finance the cost of such construction, operation and maintenance thereof within its own boundaries under certain circumstances, the county commissioners in their respective counties shall have the power to jointly and severally enter into contracts or agreements with one (1) or more adjoining counties to construct, operate and maintain joint county hospitals, either within or without the boundaries of such counties, upon a finding of each such county commissioners that there is a public necessity requiring the financing of such hospital facilities jointly with one (1) or more adjoining counties. The county commissioners shall have the same powers to operate, finance and bond for such joint county hospitals as they would have for a county hospital.

[(31-3504) 31-3512, added 1974, ch. 302, sec. 12, p. 1769; am. 2010, ch. 273, sec. 22, p. 705; am. and redesign. 2022, ch. 318, sec. 33, p. 1021.]

31-3505. ELECTION FOR ISSUANCE OF BONDS. The county commissioners may, when they deem the welfare of their counties require it, or when petitioned thereto by a number of resident taxpayers of their respective counties equal to five percent (5%) of the number of persons voting for the secretary of state of the state of Idaho, at the election next preceding the date of such petition, submit to the qualified electors of said county at any election held as provided in section [34-106](#), Idaho Code, the proposition whether negotiable coupon bonds of the county to the amount stated in such proposition shall be issued and sold for the purpose of providing such hospital, hospital grounds, nurses' homes, nursing homes, residential or assisted living facilities, shelter care facilities, medical clinics, superintendent's quarters, or any other necessary buildings, and equipment, and may on their own initiative submit to the qualified electors of the county at any general election the proposition whether negotiable coupon bonds of the county to the amount stated in such proposition shall be issued and sold for the purpose of providing for the extension and enlargement of existing hospital, hospital grounds, nurses' homes, nursing homes, residential or assisted living facilities, shelter care facilities, medical clinics or grounds, superintendent's quarters, or any other necessary buildings, and equipment, and when authorized thereto by two-thirds (2/3) vote at such election, shall issue and sell such coupon bonds and use the proceeds therefrom for the purposes authorized by such election. Said proposition may be submitted to the qualified electors at an election held subject to the provisions of section [34-106](#), Idaho Code, if the county commissioners shall by resolution so determine. No person shall be qualified to vote at any election held under the provisions of this section unless he shall possess all the qualifications required of electors under the general laws of this state.

The county commissioners shall be governed in calling and holding such election and in the issuance and sale of such bonds, and in the providing for the payment of the principal and interest thereon by the provisions of [chapter 19, title 31](#), Idaho Code, and by the provisions of [chapter 2, title 57](#), Idaho Code; provided, however, that when such bonds have been issued and sold and a period of two (2) years or more has elapsed from the date of sale of said bonds and for any reason the proceeds from the sale of said bonds or other moneys appropriated for the purpose for which said bonds were issued, have not been used for the purpose for which they were appropriated or said

bond issue made, the county commissioners may, with the written consent of all of the bondholders first having been obtained, submit to the qualified electors, as herein defined, the question of spending such moneys for a definite purpose. The purpose for which it is decided to spend such moneys shall be clearly and plainly stated on the ballot. If a majority of the qualified electors shall vote in favor of spending such moneys for the purpose stated, the county commissioners shall proceed in the same manner as if such different purpose had been the original purpose for such bond issue or appropriation. Provided, further that if less than a majority of the qualified electors shall vote in favor of spending such moneys for such different purpose, or if no such election should be had, when all of the bonds shall have been retired, such excess moneys shall be placed in the general fund.

[(31-3505) 31-3513, added 1974, ch. 302, sec. 12, p. 1769; am. 1980, ch. 185, sec. 4, p. 411; am. 1989, ch. 193, sec. 4, p. 477; am. 1993, ch. 112, sec. 3, p. 285; am. 1995, ch. 118, sec. 33, p. 457; am. 2000, ch. 274, sec. 4, p. 805; am. 2010, ch. 273, sec. 23, p. 705; am. and redesisg. 2022, ch. 318, sec. 34, p. 1022.]

31-3506. INTERNAL MANAGEMENT -- ACCOUNTS AND REPORTS. Such facilities as referred to in section [31-3503](#), Idaho Code, may suitably provide for and accept other patients and must charge and accept payments from such other patients as are able to make payments for services rendered and care given. The county commissioners may make suitable rules and regulations for the management and operation of such property by a suitable board of control, or otherwise, or for carrying out such hospital uses and purposes under a lease of the same.

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

Said board of control may permit persons from out of the county where such hospital is located to be admitted for hospitalization to such hospital. As to such cases special rates for the use and service of such hospital may be provided which rates shall apply equally to all such patients who do not pay taxes within the county where such hospital is located. The purpose of providing such special rates shall be to compel persons living out of the county where such hospital is located, and who receive hospitalization in such hospital, to bear a just burden of the cost of construction and maintenance of such hospital.

[(31-3506) 31-3514, added 1974, ch. 302, sec. 12, p. 1769; am. 1980, ch. 185, sec. 5, p. 412; am. 1982, ch. 340, sec. 10, p. 856; am. 1989, ch. 193, sec. 5, p. 478; am. 1993, ch. 112, sec. 4, p. 286; am. 2010, ch. 273, sec. 24, p. 706; am. and redesisg. 2022, ch. 318, sec. 35, p. 1023.]

31-3507. LEASE OR SALE. Such counties acting through their county commissioners shall have the right to lease such hospitals upon such terms and for such a length of time as they may decide, or to sell the same; provided, however, that no such lease or sale, except those leases entered into between such counties and the Idaho health facilities authority as provided

in section [31-836](#), Idaho Code, shall be final or valid unless and until it has been approved by a majority of the qualified electors of said county voting on such question at an election held subject to the provisions of section [34-106](#), Idaho Code; except if a hospital district has been created under the provisions of [chapter 13, title 39](#), Idaho Code, county commissioners shall have the right to lease, as provided in section [31-836](#), Idaho Code, such hospitals within a created hospital district to the hospital district without submitting the question of lease or sale to the qualified electors of the county or the respective hospital district.

[(31-3507) 31-3515, added 1974, ch. 302, sec. 12, p. 1769; am. 1978, ch. 42, sec. 2, p. 76; am. 1980, ch. 57, sec. 1, p. 115; am. 1995, ch. 118, sec. 34, p. 458; am. 2010, ch. 273, sec. 25, p. 707; am. and redesi. 2022, ch. 318, sec. 36, p. 1023.]

31-3508. CONVEYANCE, LEASE OF COUNTY HOSPITAL TO NONPROFIT CORPORATION. (1) As an alternative to the procedure set forth in section [31-3507](#), Idaho Code, counties acting through their respective county commissioners may convey or lease county hospitals, and the equipment therein, subject to the following conditions:

- (a) The entity to which the hospital is to be transferred shall be a non-profit corporation;
- (b) No lease term shall exceed ninety-nine (99) years. This subsection supersedes that part of section [31-836](#), Idaho Code, which is inconsistent herewith;
- (c) The governing body of the nonprofit corporation must be composed initially of the incumbent members of the board of hospital trustees, as individuals. The articles of incorporation must provide for a membership of the corporation which is:
 - (i) Broadly representative of the public and includes residents of each incorporated city in the county and of the unincorporated area of the county; or
 - (ii) A single nonprofit corporate member having articles of incorporation which provide for a membership of that corporation which is broadly representative of the public and includes residents of each incorporated city in the county and of the unincorporated area of the county.

The articles must further provide for the selection of the governing body by the membership of the corporation, or exclusively by a parent corporation which is the corporate member, with voting power, and not by the governing body itself, except to fill a vacancy for the unexpired term. The articles must further provide that no member of the governing body shall serve more than two (2) consecutive three (3) year terms.

- (d) The nonprofit corporation must provide care for indigent patients, and receive any person falling sick or maimed within the county.
- (e) The transfer agreement must provide for the transfer of patients, staff and employees, and for the continuing administration of any trusts or bequests or maintenance of records pertaining to the existing public hospital.
- (f) The transfer or lease agreement shall provide for a transfer or lease price which shall be either of the following:
 - (i) The acceptance of all assets and assumption of all liabilities; or

(ii) Such other price as the commissioners and the nonprofit corporation may agree.

(2) If any hospital which has been conveyed pursuant to this section ceases to be used as a nonprofit hospital, unless the premises so conveyed are sold and the proceeds used to erect or enlarge another nonprofit hospital for the county, the hospital so conveyed reverts to the ownership of the county. If any hospital which has been leased pursuant to this section ceases to be used as a nonprofit hospital, the lease shall terminate.

(3) The provisions of section [31-808](#), Idaho Code, with respect to the sale and disposition of real and personal property owned by the county, shall not apply to transactions covered by section [31-3507](#), Idaho Code, and this section.

[(31-3508) 31-3515A, added 1986, ch. 240, sec. 1, p. 652; am. 2010, ch. 273, sec. 26, p. 707; am. and redesign. 2022, ch. 318, sec. 37, p. 1023.]

31-3509. SEPARABILITY. If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this chapter, which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are declared to be severable.

[(31-3509) 31-3516, added 1974, ch. 302, sec. 12, p. 1769; am. 1996, ch. 410, sec. 23, p. 1370; am. and redesign. 2022, ch. 318, sec. 38, p. 1024.]