

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 535

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO INDIGENT SICK; AMENDING SECTION 31-3501, IDAHO CODE, TO REVISE  
2 THE DECLARATION OF POLICY AND TO MAKE TECHNICAL CORRECTIONS; AMENDING  
3 SECTION 31-3502, IDAHO CODE, TO ADD A DEFINITION, TO REVISE A DEFINI-  
4 TION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-7903, IDAHO  
5 CODE, TO PROVIDE A CORRECT CODE REFERENCE; AND PROVIDING AN EFFECTIVE  
6 DATE.  
7

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

9 SECTION 1. That Section 31-3501, Idaho Code, be, and the same is hereby  
10 amended to read as follows:

11 31-3501. DECLARATION OF POLICY. (1) It is the policy of this state that  
12 each person, to the maximum extent possible, is responsible for his or her  
13 own medical care and that of his or her dependents and to that end, shall be  
14 encouraged to purchase his or her own medical insurance with coverage suffi-  
15 cient to prevent ~~them~~ him or her from needing to request assistance pursuant  
16 to this chapter. However, in order to safeguard the public health, safety  
17 and welfare, and to provide suitable facilities and provisions for the care  
18 and hospitalization of persons in this state, and, in the case of medically  
19 indigent residents, to provide for the payment thereof, the respective coun-  
20 ties of this state, and the board and the department shall have the duties and  
21 powers as hereinafter provided.

22 (2) The county medically indigent program and the catastrophic health  
23 care cost program are payers of last resort and shall be responsible to pay  
24 only for those individuals who are at one hundred percent (100%) of the fed-  
25 eral poverty level or less. Therefore, applicants or third party applicants  
26 seeking financial assistance under the county medically indigent program  
27 and the catastrophic health care cost program shall be subject to the limita-  
28 tions and requirements as set forth herein.

29 SECTION 2. That Section 31-3502, Idaho Code, be, and the same is hereby  
30 amended to read as follows:

31 31-3502. DEFINITIONS. As used in this chapter, the terms defined in  
32 this section shall have the following meaning, unless the context clearly  
33 indicates another meaning:

34 (1) "Applicant" means any person who is requesting financial assis-  
35 tance under this chapter.

36 (2) "Application" means the combined application for state and county  
37 medical assistance pursuant to sections 31-3504 and 31-3503E, Idaho Code.  
38 In this chapter an application for state and county medical assistance shall  
39 also mean an application for financial assistance.

1 (3) "Board" means the board of the catastrophic health care cost pro-  
2 gram, as established in section 31-3517, Idaho Code.

3 (4) "Case management" means coordination of services to help meet a pa-  
4 tient's health care needs, usually when the patient has a condition that re-  
5 quires multiple services.

6 (5) "Catastrophic health care costs" means the cost of necessary medi-  
7 cal services received by a recipient that, when paid at the then existing re-  
8 imbursement rate, exceeds the total sum of eleven thousand dollars (\$11,000)  
9 in the aggregate in any consecutive twelve (12) month period.

10 (6) "Clerk" means the clerk of the respective counties or his or her de-  
11 signee.

12 (7) "Completed application" shall include at a minimum the cover sheet  
13 requesting services, applicant information including diagnosis and re-  
14 quests for services and signatures, personal and financial information of  
15 the applicant and obligated person or persons, patient rights and responsi-  
16 bilities, releases and all other signatures required in the application.

17 (8) "County commissioners" means the board of county commissioners in  
18 their respective counties.

19 (9) "County hospital" means any county approved institution or facil-  
20 ity for the care of sick persons.

21 (10) "Department" means the department of health and welfare.

22 (11) "Dependent" means any person whom a taxpayer claims as a dependent  
23 under the income tax laws of the state of Idaho.

24 (12) "Emergency service" means a service provided for a medical condi-  
25 tion in which sudden, serious and unexpected symptoms of illness or injury  
26 are sufficiently severe to necessitate or call for immediate medical care,  
27 including, but not limited to, severe pain, that the absence of immediate  
28 medical attention could reasonably be expected by a prudent person who pos-  
29 sesses an average knowledge of health and medicine, to result in:

30 (a) Placing the patient's health in serious jeopardy;

31 (b) Serious impairment to bodily functions; or

32 (c) Serious dysfunction of any bodily organ or part.

33 (13) "Federal poverty level" means poverty guidelines issued by the de-  
34 partment of health and human services to determine whether an individual is  
35 eligible for assistance.

36 (14) "Hospital" means a facility licensed and regulated pursuant to  
37 sections 39-1301 through 39-1314, Idaho Code, or an out-of-state hospital  
38 providing necessary medical services for residents of Idaho, wherein a re-  
39 ciprocal agreement exists, in accordance with section 31-3503B, Idaho Code,  
40 excluding state institutions.

41 (145) "Medicaid eligibility review" means the process used by the de-  
42 partment to determine whether a person meets the criteria for medicaid cov-  
43 erage.

44 (156) "Medical claim" means the itemized statements and standard forms  
45 used by hospitals and providers to satisfy centers for medicare and medicaid  
46 services (CMS) claims submission requirements.

47 (167) "Medical home" means a model of primary and preventive care de-  
48 livery in which the patient has a continuous relationship with a personal  
49 physician in a physician directed medical practice that is whole person ori-  
50 ented and where care is integrated and coordinated.

1           (178) "Medically indigent" means any person who is ~~in need of~~ at or  
 2 below one hundred percent (100%) of the federal poverty level and has re-  
 3 ceived necessary medical services and who, if an adult, together with his  
 4 or her spouse, or whose parents or guardian if the patient is a minor or  
 5 dependent, does not have income and other resources available to him from  
 6 whatever source sufficient to pay for necessary medical services. Nothing  
 7 in this definition shall prevent the board and the county commissioners from  
 8 requiring the applicant and obligated persons to reimburse the county and  
 9 the catastrophic health care cost program, where appropriate, for all or a  
 10 portion of their medical expenses, when investigation of their application  
 11 pursuant to this chapter, determines their ability to do so.

12           (189) A. "Necessary medical services" means health care services and  
 13 supplies that:

14           (a) Health care providers, exercising prudent clinical judgment,  
 15 would provide to a person for the purpose of preventing, evalu-  
 16 ating, diagnosing or treating an illness, injury, disease or its  
 17 symptoms;

18           (b) Are in accordance with generally accepted standards of medi-  
 19 cal practice;

20           (c) Are clinically appropriate, in terms of type, frequency, ex-  
 21 tent, site and duration and are considered effective for the cov-  
 22 ered person's illness, injury or disease;

23           (d) Are not provided primarily for the convenience of the person,  
 24 physician or other health care provider; and

25           (e) Are the most cost-effective service or sequence of services or  
 26 supplies, and at least as likely to produce equivalent therapeutic  
 27 or diagnostic results for the person's illness, injury or disease.

28           B. Necessary medical services shall not include the following:

29           (a) Bone marrow transplants;

30           (b) Organ transplants;

31           (c) Elective, cosmetic and/or experimental procedures;

32           (d) Services related to, or provided by, residential, skilled  
 33 nursing, assisted living and/or shelter care facilities;

34           (e) Normal, uncomplicated pregnancies, excluding caesarean sec-  
 35 tion, and childbirth well-baby care;

36           (f) Medicare copayments and deductibles;

37           (g) Services provided by, or available to, an applicant from  
 38 state, federal and local health programs;

39           (h) Medicaid copayments and deductibles; and

40           (i) Drugs, devices or procedures primarily utilized for weight  
 41 reduction and complications directly related to such drugs, de-  
 42 vices or procedures.

43           (1920) "Obligated person" means the person or persons who are legally  
 44 responsible for an applicant including, but not limited to, parents of mi-  
 45 nors or dependents.

46           (201) "Primary and preventive health care" means the provision of pro-  
 47 fessional health services that include health education and disease preven-  
 48 tion, initial assessment of health problems, treatment of acute and chronic  
 49 health problems and the overall management of an individual's health care  
 50 services.

1 (212) "Provider" means any person, firm or corporation certified or li-  
2 censed by the state of Idaho or holding an equivalent license or certifica-  
3 tion in another state, that provides necessary medical services to a patient  
4 requesting a medically indigent status determination or filing an applica-  
5 tion for financial assistance.

6 (223) "Recipient" means an individual determined eligible for finan-  
7 cial assistance under this chapter.

8 (234) "Reimbursement rate" means the unadjusted medicaid rate of reim-  
9 bursement for medical charges allowed pursuant to title XIX of the social se-  
10 curity act, as amended, that is in effect at the time service is rendered.  
11 Beginning July 1, 2011, and sunseting July 1, 2014, "reimbursement rate"  
12 shall mean ninety-five percent (95%) of the unadjusted medicaid rate.

13 (245) "Resident" means a person with a home, house, place of abode,  
14 place of habitation, dwelling or place where he or she actually lived for a  
15 consecutive period of thirty (30) days or more within the state of Idaho. A  
16 resident does not include a person who comes into this state for temporary  
17 purposes, including, but not limited to, education, vacation, or seasonal  
18 labor. Entry into active military duty shall not change a person's residence  
19 for the purposes of this chapter. Those physically present within the fol-  
20 lowing facilities and institutions shall be residents of the county where  
21 they were residents prior to entering the facility or institution:

22 (a) Correctional facilities;

23 (b) Nursing homes or residential or assisted living facilities;

24 (c) Other medical facility or institution.

25 (256) "Resources" means all property, for which an applicant and/or an  
26 obligated person may be eligible or in which he or she may have an interest,  
27 whether tangible or intangible, real or personal, liquid or nonliquid, or  
28 pending, including, but not limited to, all forms of public assistance,  
29 crime victims compensation, worker's compensation, veterans benefits, med-  
30 icaid, medicare, supplemental security income (SSI), third party insurance,  
31 other insurance or apply for section 1011 of the medicare modernization act  
32 of 2003, if applicable, and any other property from any source. Resources  
33 shall include the ability of an applicant and obligated persons to pay for  
34 necessary medical services, excluding any interest charges, over a period  
35 of up to five (5) years starting on the date necessary medical services are  
36 first provided. For purposes of determining approval for medical indigency  
37 only, resources shall not include the value of the homestead on the applicant  
38 or obligated person's residence, a burial plot, exemptions for personal  
39 property allowed in section 11-605(1) through (3), Idaho Code, and addi-  
40 tional exemptions allowed by county resolution.

41 (267) "Third party applicant" means a person other than an obligated  
42 person who completes, signs and files an application on behalf of a patient.  
43 A third party applicant who files an application on behalf of a patient pur-  
44 suant to section 31-3504, Idaho Code, shall, if possible, deliver a copy of  
45 the application to the patient within three (3) business days after filing  
46 the application.

47 (278) "Third party insurance" means casualty insurance, disability insu-  
48 rance, health insurance, life insurance, marine and transportation insu-  
49 rance, motor vehicle insurance, property insurance or any other insurance  
50 coverage that may pay for a resident's medical bills.

1           (289) "Utilization management" means the evaluation of medical neces-  
 2           sity, appropriateness and efficiency of the use of health care services,  
 3           procedures and facilities. "Utilization management" may include, but is  
 4           not limited to, preadmission certification, the application of practice  
 5           guidelines, continued stay review, discharge planning, case management,  
 6           preauthorization of ambulatory procedures, retrospective review and claims  
 7           review. "Utilization management" may also include the amount to be paid  
 8           based on the application of the reimbursement rate to those medical services  
 9           determined to be necessary medical services.

10           SECTION 3. That Section 67-7903, Idaho Code, be, and the same is hereby  
 11           amended to read as follows:

12           67-7903. VERIFICATION OF LAWFUL PRESENCE -- EXCEPTIONS -- REPORT-  
 13           ING. (1) Except as otherwise provided in subsection (3) of this section or  
 14           where exempted by federal law, each agency or political subdivision of this  
 15           state shall verify the lawful presence in the United States of each natural  
 16           person eighteen (18) years of age or older who applies for state or local  
 17           public benefits or for federal public benefits for the applicant.

18           (2) This section shall be enforced without regard to race, religion,  
 19           gender, ethnicity or national origin.

20           (3) Verification of lawful presence in the United States shall not be  
 21           required:

22           (a) For any purpose for which lawful presence in the United States is  
 23           not required by law, ordinance or rule;

24           (b) For obtaining health care items and services that are necessary for  
 25           the treatment of an emergency medical condition of the person involved  
 26           and are not related to an organ transplant procedure;

27           (c) For short-term, noncash, in-kind emergency disaster relief;

28           (d) For public health assistance for immunizations with respect to im-  
 29           munizable diseases and testing and treatment of symptoms of communica-  
 30           ble diseases whether or not such symptoms are caused by a communicable  
 31           disease;

32           (e) For programs, services or assistance, such as soup kitchens, crisis  
 33           counseling and intervention and short-term shelter specified by fed-  
 34           eral law or regulation that:

35           (i) Deliver in-kind services at the community level, including  
 36           services through public or private nonprofit agencies;

37           (ii) Do not condition the provision of assistance, the amount of  
 38           assistance provided or the cost of assistance provided on the in-  
 39           dividual recipient's income or resources; and

40           (iii) Are necessary for the protection of life or public safety;

41           (f) For prenatal care;

42           (g) For postnatal care not to exceed twelve (12) months; or

43           (h) For food assistance for a dependent child under eighteen (18) years  
 44           of age.

45           Notwithstanding the provisions of this subsection ~~(3)~~, for the county in-  
 46           digent program, the limitations contained in section 31-3502(189)B., Idaho  
 47           Code, shall apply.

1 (4) An agency or a political subdivision shall verify the lawful pres-  
2 ence in the United States of each applicant eighteen (18) years of age or  
3 older for federal public benefits or state or local public benefits by:

4 (a) Employing electronic means to verify an applicant is legally  
5 present in the United States; or

6 (b) Requiring the applicant to provide:

7 (i) An Idaho driver's license or an Idaho identification card  
8 issued pursuant to section 49-2444, Idaho Code;

9 (ii) A valid driver's license or similar document issued for the  
10 purpose of identification by another state or territory of the  
11 United States, if such license or document contains a photograph  
12 of the individual or such other personal identifying information  
13 relating to the individual that the director of the department of  
14 health and welfare or, with regard to unemployment compensation  
15 benefits, the director of the department of labor finds, by rule,  
16 sufficient for purposes of this section;

17 (iii) A United States military card or a military dependent's  
18 identification card;

19 (iv) A United States coast guard merchant mariner card;

20 (v) A native American tribal document;

21 (vi) A copy of an executive office of immigration review, immi-  
22 gration judge or board of immigration appeals decision, granting  
23 asylee status;

24 (vii) A copy of an executive office of immigration review, immi-  
25 gration judge or board of immigration appeals decision, indicat-  
26 ing that the individual may lawfully remain in the United States;

27 (viii) Any United States citizenship and immigration service is-  
28 sued document showing refugee or asylee status or that the indi-  
29 vidual may lawfully remain in the United States;

30 (ix) Any department of state or customs and border protection is-  
31 sued document showing the individual has been permitted entry into  
32 the United States on the basis of refugee or asylee status, or on  
33 any other basis that permits the individual to lawfully enter and  
34 remain in the United States; or

35 (x) A valid United States passport; and

36 (c) Requiring the applicant to provide a valid social security number  
37 that has been assigned to the applicant; and

38 (d) Requiring the applicant to attest, under penalty of perjury and on  
39 a form designated or established by the agency or the political subdivi-  
40 sion, that:

41 (i) The applicant is a United States citizen or legal permanent  
42 resident; or

43 (ii) The applicant is otherwise lawfully present in the United  
44 States pursuant to federal law.

45 (5) Notwithstanding the requirements of subsection (4) (b) of this sec-  
46 tion, the agency or political subdivision may establish by appropriate legal  
47 procedure such rules or regulations to ensure that certain individuals law-  
48 fully present in the United States receive authorized benefits including,  
49 but not limited to, homeless state citizens.

1           (6) For an applicant who has attested pursuant to subsection (4) (d) of  
2 this section stating that the applicant is an alien lawfully present in the  
3 United States, verification of lawful presence for federal public benefits  
4 or state or local public benefits shall be made through the federal system-  
5 atic alien verification of entitlement program, which may be referred to as  
6 the "SAVE" program, operated by the United States department of homeland se-  
7 curity or a successor program designated by the United States department of  
8 homeland security. Until such verification of lawful presence is made, the  
9 attestation may be presumed to be proof of lawful presence for purposes of  
10 this section.

11           (a) Errors and significant delays by the SAVE program shall be reported  
12 to the United States department of homeland security to ensure that the  
13 application of the SAVE program is not wrongfully denying benefits to  
14 legal residents of this state.

15           (b) Agencies or political subdivisions may adopt variations of the re-  
16 quirements of subsection (4) (d) of this section to improve efficiency  
17 or reduce delay in the verification process or to provide for adjudica-  
18 tion of unique individual circumstances in which the verification pro-  
19 cedures in this section would impose unusual hardship on a legal resi-  
20 dent of this state; except that the variations shall be no less strin-  
21 gent than the requirements of subsection (4) (d) of this section.

22           (c) A person who knowingly makes a false, fictitious or fraudulent  
23 statement or representation in an attestation executed pursuant to  
24 subsection (4) (d) or (6) (b) of this section or who knowingly provides  
25 a social security number that has not been assigned to him pursuant to  
26 subsection (4) (c) of this section shall be:

- 27           (i) Guilty of a misdemeanor for the first and second offense; and  
28           (ii) Guilty of a felony for each subsequent offense.

29           (7) An agency or political subdivision may accept as prima facie evi-  
30 dence of an applicant's lawful presence in the United States the information  
31 required in subsection (4) of this section, as may be modified by subsection  
32 (5) of this section, when issuing a professional license or a commercial li-  
33 cense.

34           SECTION 4. This act shall be in full force and effect on and after Jan-  
35 uary 1, 2016.