

IN THE SENATE

SENATE BILL NO. 1347

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO THE INDIGENT SICK; AMENDING SECTION 31-863, IDAHO CODE, TO
2 REVISE THE LIMIT ON AN AD VALOREM TAX AND TO REMOVE REFERENCE TO THE
3 MEDICALLY INDIGENT; AMENDING SECTION 31-3302, IDAHO CODE, TO REMOVE
4 REFERENCE TO THE INDIGENT SICK; REPEALING SECTION 31-3501, IDAHO CODE,
5 RELATING TO DECLARATION OF POLICY; REPEALING SECTION 31-3502, IDAHO
6 CODE, RELATING TO DEFINITIONS; AMENDING SECTION 31-3503, IDAHO CODE,
7 TO REMOVE REFERENCE TO SERVICES FOR THE MEDICALLY INDIGENT; REPEAL-
8 ING SECTION 31-3503A, IDAHO CODE, RELATING TO POWERS AND DUTIES OF THE
9 BOARD; REPEALING SECTION 31-3503B, IDAHO CODE, RELATING TO RECIPROCAL
10 AGREEMENTS AND OUT-OF-STATE TREATMENT; REPEALING SECTION 31-3503C,
11 IDAHO CODE, RELATING TO POWERS AND DUTIES OF THE DEPARTMENT; REPEAL-
12 ING SECTION 31-3503D, IDAHO CODE, RELATING TO COUNTY PARTICIPATION
13 AND CONTRIBUTION; REPEALING SECTION 31-3503E, IDAHO CODE, RELATING TO
14 MEDICAID ELIGIBILITY DETERMINATION; REPEALING SECTION 31-3503F, IDAHO
15 CODE, RELATING TO MEDICAL HOME; REPEALING SECTION 31-3504, IDAHO CODE,
16 RELATING TO APPLICATION FOR FINANCIAL ASSISTANCE; REPEALING SECTION
17 31-3505, IDAHO CODE, RELATING TO TIME AND MANNER OF FILING APPLICATIONS
18 FOR FINANCIAL ASSISTANCE; REPEALING SECTION 31-3505A, IDAHO CODE, RE-
19 LATING TO INVESTIGATION OF APPLICATION BY THE CLERK; REPEALING SECTION
20 31-3505B, IDAHO CODE, RELATING TO APPROVAL BY THE COUNTY COMMISSIONERS;
21 REPEALING SECTION 31-3505C, IDAHO CODE, RELATING TO INITIAL DECISI-
22 ON BY THE COUNTY COMMISSIONERS; REPEALING SECTION 31-3505D, IDAHO
23 CODE, RELATING TO APPEAL OF INITIAL DETERMINATION DENYING AN APPLICA-
24 TION; REPEALING SECTION 31-3505E, IDAHO CODE, RELATING TO HEARING ON
25 APPEAL OF INITIAL DETERMINATION DENYING AN APPLICATION; REPEALING SEC-
26 TION 31-3505F, IDAHO CODE, RELATING TO ARBITRATION; REPEALING SECTION
27 31-3505G, IDAHO CODE, RELATING TO PETITION FOR JUDICIAL REVIEW OF FI-
28 NAL DETERMINATION; REPEALING SECTION 31-3506, IDAHO CODE, RELATING TO
29 OBLIGATED COUNTY; REPEALING SECTION 31-3507, IDAHO CODE, RELATING TO
30 TRANSFER OF A MEDICALLY INDIGENT PATIENT; REPEALING SECTION 31-3508,
31 IDAHO CODE, RELATING TO LIMITATIONS ON PAYMENTS FOR NECESSARY MEDICAL
32 SERVICES; REPEALING SECTION 31-3508A, IDAHO CODE, RELATING TO PAYMENT
33 FOR NECESSARY MEDICAL SERVICES BY AN OBLIGATED COUNTY; REPEALING SEC-
34 TION 31-3509, IDAHO CODE, RELATING TO ADMINISTRATIVE OFFSETS AND COL-
35 LECTIONS BY HOSPITALS AND PROVIDERS; REPEALING SECTION 31-3510, IDAHO
36 CODE, RELATING TO RIGHT OF SUBROGATION; REPEALING SECTION 31-3510A,
37 IDAHO CODE, RELATING TO REIMBURSEMENT; REPEALING SECTION 31-3511,
38 IDAHO CODE, RELATING TO VIOLATIONS AND PENALTIES; AMENDING SECTION
39 31-3514, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE; REPEALING
40 SECTION 31-3517, IDAHO CODE, RELATING TO ESTABLISHMENT OF A CATA-
41 STROPHIC HEALTH CARE COST PROGRAM; REPEALING SECTION 31-3518, IDAHO
42 CODE, RELATING TO ADMINISTRATIVE RESPONSIBILITY; REPEALING SECTION
43 31-3519, IDAHO CODE, RELATING TO APPROVAL AND PAYMENT BY THE BOARD; RE-
44 PEALING SECTION 31-3520, IDAHO CODE, RELATING TO CONTRACT FOR PROVISION
45

1 OF NECESSARY MEDICAL SERVICES FOR THE MEDICALLY INDIGENT; REPEALING
 2 SECTION 31-3521, IDAHO CODE, RELATING TO EMPLOYMENT OF PHYSICIAN; RE-
 3 PEALING SECTION 31-3550, IDAHO CODE, RELATING TO DECLARATION OF PUBLIC
 4 POLICY; REPEALING SECTION 31-3551, IDAHO CODE, RELATING TO ADVISORY
 5 PANEL FOR PRELITIGATION CONSIDERATION OF INDIGENT RESOURCE ELIGIBILITY
 6 CLAIMS AND PROCEDURE; REPEALING SECTION 31-3552, IDAHO CODE, RELATING
 7 TO APPOINTMENT AND COMPOSITION OF ADVISORY PANEL; REPEALING SECTION
 8 31-3553, IDAHO CODE, RELATING TO ADVISORY DECISIONS OF PANEL; REPEALING
 9 SECTION 31-3554, IDAHO CODE, RELATING TO TOLLING OF LIMITATION PERIODS
 10 DURING PENDENCY OF PROCEEDINGS; REPEALING SECTION 31-3555, IDAHO CODE,
 11 RELATING TO STAY OF COURT PROCEEDINGS IN INTEREST OF HEARING BEFORE
 12 PANEL; REPEALING SECTION 31-3556, IDAHO CODE, RELATING TO EXPENSES FOR
 13 ADVISORY PANEL MEMBERS; REPEALING SECTION 31-3557, IDAHO CODE, RELAT-
 14 ING TO FREQUENCY OF AND AGENDA FOR MEETINGS; REPEALING SECTION 31-3558,
 15 IDAHO CODE, RELATING TO NONDISCLOSURE OF PERSONAL IDENTIFYING INFORMA-
 16 TION; AMENDING SECTION 31-3607, IDAHO CODE, TO REMOVE A CODE REFERENCE;
 17 REPEALING SECTION 57-813, IDAHO CODE, RELATING TO CATASTROPHIC HEALTH
 18 CARE COST ACCOUNT; AMENDING SECTION 66-327, IDAHO CODE, TO REMOVE REF-
 19ERENCE TO THE INDIGENT SICK AND THE OBLIGATION OF COUNTIES; AMENDING
 20 SECTION 67-2302, IDAHO CODE, TO REMOVE REFERENCE TO THE MEDICALLY IN-
 21 DIGENT AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 67-7903,
 22 IDAHO CODE, TO REMOVE REFERENCE TO THE COUNTY INDIGENT PROGRAM; AMEND-
 23 ING CHAPTER 35, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
 24 31-3559, IDAHO CODE, TO PROVIDE FOR THE CREATION OF THE COMMUNITY HEALTH
 25 CENTER COST PROGRAM, TO PROVIDE FOR USE OF MONEYS IN THE PROGRAM, TO PRO-
 26VIDE CRITERIA FOR ELIGIBILITY, TO AUTHORIZE CONTRIBUTION TO THE PROGRAM
 27 BY COUNTIES AND TO DEFINE A TERM; AMENDING CHAPTER 8, TITLE 57, IDAHO
 28 CODE, BY THE ADDITION OF A NEW SECTION 57-825, IDAHO CODE, TO PROVIDE
 29 FOR THE CREATION OF THE COMMUNITY HEALTH CENTER COST ACCOUNT, TO PROVIDE
 30 THAT THE ADMINISTRATOR OF THE ACCOUNT MAY RETAIN COUNSEL AND TO PROVIDE
 31 FOR THE APPROPRIATION AND USE OF MONEYS IN THE ACCOUNT; AND AMENDING
 32 CHAPTER 8, TITLE 57, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 57-826,
 33 IDAHO CODE, TO PROVIDE FOR THE CREATION OF THE COMMUNITY HEALTH CENTER
 34 CREATION ACCOUNT, TO PROVIDE THAT THE ADMINISTRATOR OF THE ACCOUNT MAY
 35 RETAIN COUNSEL AND TO PROVIDE FOR THE APPROPRIATION AND USE OF MONEYS IN
 36 THE ACCOUNT.

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

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

40 31-863. LEVY FOR CHARITIES FUND. For the purpose of nonmedical indi-
 41 gent assistance pursuant to chapter 34, title 31, Idaho Code, ~~and for the~~
 42 ~~purpose of providing financial assistance on behalf of the medically indi-~~
 43 ~~gent, pursuant to chapter 35, title 31, Idaho Code,~~ said boards are autho-
 44 rized to levy an ad valorem tax not to exceed ~~ten~~ two hundredths of one per-
 45 cent (.402%) of the market value for assessment purposes of all taxable prop-
 46 erty in the county.

1 SECTION 2. That Section 31-3302, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 31-3302. COUNTY CHARGES ENUMERATED. The following are county charges:

4 (1) Charges incurred against the county by virtue of any provision of
5 this title.

6 (2) The compensation allowed by law to constables and sheriffs for ex-
7 ecuting process on persons charged with criminal offenses; for services and
8 expenses in conveying criminals to jail; for the service of subpoenas issued
9 by or at the request of the prosecuting attorneys, and for other services in
10 relation to criminal proceedings.

11 (3) The expenses necessarily incurred in the support of persons charged
12 with or convicted of crime and committed therefor to the county jail. Pro-
13 vided that any medical expenses shall be paid at the rate of reimbursement as
14 provided in chapter 35, title 31, Idaho Code, unless a rate of reimbursement
15 is otherwise established by contract or agreement.

16 (4) The compensation allowed by law to county officers in criminal pro-
17 ceedings, when not otherwise collectible.

18 (5) The sum required by law to be paid to grand jurors and indigent wit-
19 nesses in criminal cases.

20 (6) The accounts of the coroner of the county, for such services as are
21 not provided to be paid otherwise.

22 (7) The necessary expenses incurred in the support of county hospitals,
23 ~~and the indigent sick~~ and nonmedical assistance for indigents, whose support
24 is chargeable to the county.

25 (8) The contingent expenses, necessarily incurred for the use and bene-
26 fit of the county.

27 (9) Every other sum directed by law to be raised for any county purpose,
28 under the direction of the board of county commissioners, or declared to be a
29 county charge.

30 SECTION 3. That Sections [31-3501](#) and [31-3502](#), Idaho Code, be, and the
31 same are hereby repealed.

32 SECTION 4. That Section 31-3503, Idaho Code, be, and the same is hereby
33 amended to read as follows:

34 31-3503. POWERS AND DUTIES OF COUNTY COMMISSIONERS. The county com-
35 missioners in their respective counties shall, under such limitations and
36 restrictions as are prescribed by law, ÷

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

43 ~~(2) Have the right to contract with providers, transfer patients, ne-~~
44 ~~gotiate provider agreements, conduct utilization management or any portion~~
45 ~~thereof, pay for authorized expenses directly, or indirectly through the~~
46 ~~use of alternative programs, that would assist in managing costs of provid-~~

1 ~~ing health care for indigent persons, and all other powers incident to the~~
 2 ~~county's duties created by this chapter.~~

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

7 ~~(4) H~~have the jurisdiction and power to provide county hospitals and
 8 public general hospitals for the county and others who are sick, injured,
 9 maimed, aged and infirm and to erect, enlarge, purchase, lease, or otherwise
 10 acquire, and to officer, maintain and improve hospitals, hospital grounds,
 11 nurses' homes, shelter care facilities and residential or assisted living
 12 facilities as defined in section 39-3301, Idaho Code, superintendent's
 13 quarters, medical clinics, as that term is defined in section 39-1319, Idaho
 14 Code, medical clinic grounds or any other necessary buildings, and to equip
 15 the same, and to replace equipment, and for this purpose said commissioners
 16 may levy an additional tax of not to exceed six hundredths percent (.06%) of
 17 the market value for assessment purposes on all taxable property within the
 18 county. The term "public general hospitals" as used in this subsection shall
 19 be construed to include nursing homes. The term "county hospitals" as used
 20 in this section means any county-approved institution or facility for the
 21 care of sick persons.

22 SECTION 5. That Sections [31-3503A](#) through [31-3511](#), Idaho Code, be, and
 23 the same are hereby repealed.

24 SECTION 6. That Section 31-3514, Idaho Code, be, and the same is hereby
 25 amended to read as follows:

26 31-3514. INTERNAL MANAGEMENT -- ACCOUNTS AND REPORTS. Such facilities
 27 as referred to in section 31-3503(2), Idaho Code, may suitably provide for
 28 and accept other patients and must charge and accept payments from such other
 29 patients as are able to make payments for services rendered and care given.
 30 The county commissioners may make suitable rules and regulations for the
 31 management and operation of such property by a suitable board of control, or
 32 otherwise, or for carrying out such hospital uses and purposes under a lease
 33 of the same.

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

41 Said board of control may permit persons from out of the county where
 42 such hospital is located to be admitted for hospitalization to such hospi-
 43 tal. As to such cases special rates for the use and service of such hospi-
 44 tal may be provided which rates shall apply equally to all such patients who
 45 do not pay taxes within the county where such hospital is located. The pur-
 46 pose of providing such special rates shall be to compel persons living out of
 47 the county where such hospital is located, and who receive hospitalization

1 in such hospital, to bear a just burden of the cost of construction and main-
2 tenance of such hospital.

3 SECTION 7. That Sections [31-3517](#) through [31-3521](#), Idaho Code, be, and
4 the same are hereby repealed.

5 SECTION 8. That Sections [31-3550](#) through [31-3558](#), Idaho Code, be, and
6 the same are hereby repealed.

7 SECTION 9. That Section 31-3607, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 31-3607. DUTIES OF BOARD. (a) Fiscal Affairs. -- The county hospital
10 board shall be charged with the care, custody, upkeep, management and opera-
11 tion of all property belonging to the county and devoted to the purposes pro-
12 vided in sections ~~31-3501~~ and 31-3503, Idaho Code, and shall be responsible
13 for all moneys received by it, including all revenues from the operation of
14 such property, all moneys received by tax levies for operation of such prop-
15 erty, and all moneys received from whatever source, by contribution or oth-
16 erwise, for such purposes: Provided, that if any contribution of money or
17 property be offered to the hospital board of the county for use for a spe-
18 cific purpose the hospital board may, if it deems it for the best interest of
19 the hospital or other facility or property under its management, accept such
20 contribution and use such contribution for such purpose.

21 (b) Funds -- Custody and Disbursement. -- The hospital board shall
22 safely keep or cause to be kept all moneys coming into the care, custody or
23 possession of the board in strict compliance with the public depository law
24 of this state, and shall pay out such money for valid bills and obligations of
25 the hospital, and shall keep or cause to be kept proper records in its minutes
26 of all its proceedings and all business transactions and proper accounts of
27 all moneys received by it, expended and on hand. The minutes of the board
28 shall be open to inspection by any taxpayer or elector of the county during
29 all regular office hours.

30 (c) Reports. -- The county hospital board shall report to the board
31 of county commissioners within thirty (30) days after the acceptance of
32 the annual hospital audit after the close of the fiscal year and shall an-
33 nually publish in one (1) issue of a newspaper having general circulation
34 in the county a financial statement reflecting the financial operations of
35 the hospital, together with such other information as the board of county
36 commissioners may deem necessary for the information of the people of the
37 county. The county hospital board shall also prepare in its regular course
38 of business unaudited monthly financial reports reflecting the financial
39 operations of the hospital. The county hospital board shall provide a copy
40 of those monthly reports to the member of the board of commissioners serving
41 as an ex officio member of the county hospital board.

42 (d) Limitations. -- The county hospital board subject to the bud-
43 getary limitations herein contained may acquire or build other property
44 for the purposes provided in sections ~~31-3501~~ and 31-3503, Idaho Code, or
45 improve, remodel, enlarge, reduce, or dispose of property being used for
46 such purposes. The county hospital board shall not have power to create any
47 indebtedness in excess of the amount of its annual budget as approved by the

1 board of county commissioners: Provided, that if the county hospital board
2 be formed after the time fixed by law for adoption of the budget, it may then
3 formulate and submit to the board of county commissioners a budget for the
4 rest of the current year, which budget, however, shall not provide for expen-
5 diture or creation of indebtedness in an amount greater than the estimated
6 income for that year, together with any receipts from taxes specially levied
7 for hospital purposes in such year.

8 SECTION 10. That Section 57-813, Idaho Code, be, and the same is hereby
9 repealed.

10 SECTION 11. That Section 66-327, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 66-327. RESPONSIBILITY FOR COSTS OF COMMITMENT AND CARE OF PA-
13 TIENTS. (a) All costs associated with the commitment proceedings, including
14 fees of designated examiners, transportation costs and all medical, psy-
15 chiatric and hospital costs not included in subsection (c) of this section,
16 shall be the responsibility of the person subject to judicial proceedings
17 authorized by this chapter or such person's spouse, or adult children, ~~or, if~~
18 ~~indigent, the county of such person's residence~~ after all personal, family
19 and third party resources, including medical assistance provided under the
20 state plan for medicaid as authorized by title XIX of the social security
21 act, as amended, are considered. In proceedings authorized by this chapter,
22 the court shall consider the indigency of persons subject to proceedings
23 authorized by this chapter, in light of such person's income and resources,
24 and if such person is able to pay all or part of such costs, the court shall
25 order such person to pay all or any part of such costs. ~~If the court deter-~~
26 ~~mines such person is unable to pay all or any part of such costs, the court~~
27 ~~shall fix responsibility, in accordance with the provisions of chapter 35,~~
28 ~~title 31, Idaho Code, for payment of such costs on the county of such person's~~
29 ~~residence to the extent not paid by such person or not covered by third party~~
30 ~~resources, including medical assistance as aforesaid. The amount of pay-~~
31 ~~ment by a county shall be the medicaid rate, or pursuant to the provisions of~~
32 ~~any contract between a provider and an obligated county, or if the facility~~
33 ~~providing the services is a freestanding mental health facility, then the~~
34 ~~reimbursement rate will be the medicaid rate, for a hospital as defined by~~
35 ~~section 39-1301(a), Idaho Code, that provides services within the nearest~~
36 ~~proximity of the mental health facility. Such costs fixed by the court shall~~
37 ~~be based upon the time services were provided.~~

38 (b) An order of commitment pursuant to the provisions of this section
39 shall be sufficient to require the release of all pertinent information re-
40 lated to the committed person, and to the court ~~and obligated county~~, within
41 the restrictions of all applicable federal and state laws.

42 (c) The department of health and welfare shall assume responsibility
43 for costs after the involuntary patient is committed to the custody of the
44 state of Idaho, beginning on the day after the director receives notice that
45 a person has been committed into the custody of the department, until the
46 involuntary patient is discharged and after all personal, family and third
47 party resources are considered in accordance with section 66-354, Idaho
48 Code. The counties shall be responsible for mental health costs as defined

1 in subsection (a) of this section if the individual is not transported within
2 twenty-four (24) hours of receiving written notice of admission availabil-
3 ity to a state facility. For purposes of this section, "costs" shall include
4 routine board, room and support services rendered at a facility of the de-
5 partment of health and welfare; routine physical, medical, psychological
6 and psychiatric examination and testing; group and individual therapy, psy-
7 chiatric treatment, medication and medical care which can be provided at a
8 facility of the department of health and welfare. The term " costs" shall
9 not include neurological evaluation, CAT scan, surgery, medical treatment,
10 any other item or service not provided at a facility of the department of
11 health and welfare, or witness fees and expenses for court appearances. For
12 the purposes of this section, the notice to the department may be faxed or
13 mailed.

14 SECTION 12. That Section 67-2302, Idaho Code, be, and the same is hereby
15 amended to read as follows:

16 67-2302. PROMPT PAYMENT FOR GOODS AND SERVICES. (1) It is the policy of
17 this state that all bills owed by the state of Idaho or any taxing district
18 within the state shall be paid promptly. No state agency or taxing district
19 supported in whole or in part by tax revenues shall be exempt from the provi-
20 sions of this section, except as provided in subsection (20) of this section.

21 (2) All bills shall be accepted, certified for payment, and paid within
22 sixty (60) calendar days of receipt of billing, unless the buyer and the ven-
23 dor have agreed by a contract in place at the time the order was placed that
24 a longer period of time is acceptable to the vendor. An invoice is a written
25 account or itemized statement of merchandise shipped, sent or delivered to
26 the purchaser with quantity, value or price, and charges set forth, and is a
27 demand for payment of the charges set forth.

28 (3) Unless specifically provided by the terms of a contract that de-
29 tails payment requirements, including penalties for late payments, interest
30 penalties shall be due automatically when bills become overdue. It shall be
31 up to each vendor to calculate and invoice interest at the time payment is due
32 on the principal.

33 (4) Partial payment shall be made on partial deliveries, if an invoice
34 is submitted for a partial delivery, and the goods delivered are a usable
35 unit. Each complete item or service must be paid for within forty-five (45)
36 calendar days.

37 (5) All proper deliveries and completed services shall be received or
38 accepted promptly and proper receiving and acceptance reports shall be for-
39 warded to payment offices within five (5) working days of delivery of goods
40 or completion of service.

41 (6) Payment shall be due on the date on which the agency officially re-
42 ceives the invoice or actually receives the goods or services, whichever is
43 later.

44 (7) The rate of interest to be paid by the state or any taxing district
45 shall be the rate provided in section 63-3045, Idaho Code.

46 (8) Unpaid interest penalties owed to a vendor shall compound each
47 month.

1 (9) The provisions of this section shall apply to all purchases,
2 leases, rentals, contracts for services, construction, repairs and remodel-
3 eling.

4 (10) No discount offered by a vendor shall be taken by the state or a
5 taxing district or by a project manager administering a state or taxing dis-
6 trict supported project, unless full payment is made within the discount pe-
7 riod. In the event a discount is taken later, interest shall accrue on the
8 unpaid balance from the day the discount offer expired.

9 (11) Interest shall be paid from funds already appropriated or budgeted
10 to the offending agency or taxing district or project for that fiscal year.
11 If more than one (1) department, institution or agency has caused a late pay-
12 ment, each shall bear a proportionate share of the interest penalty.

13 (12) In instances where an invoice is filled out incorrectly, or where
14 there is any defect or impropriety in an invoice submitted, the state agency,
15 taxing district, or project, shall contact the vendor in writing within ten
16 (10) days of receiving the invoice. An error on the vendor's invoice, if cor-
17 rected by the vendor within five (5) working days of being contacted by the
18 agency or taxing district, shall not result in the vendor being paid late.

19 (13) Checks or warrants shall be mailed or transmitted within a reason-
20 able time after approval.

21 (14) No new appropriation or budget is authorized under the provisions
22 of this section to cover interest penalties. No state agency, taxing dis-
23 trict, or project shall seek to increase appropriations or budgets for the
24 purpose of obtaining funds to pay interest penalties.

25 (15) Payment of interest penalties may be postponed when payment on the
26 principal is delayed because of a disagreement between the state or taxing
27 district and the vendor. At the resolution of any dispute, vendors shall be
28 entitled to receive interest on all proper invoices not paid for as provided
29 in subsection (2) of this section.

30 (16) The provisions of this section shall in no way be construed to
31 prohibit the state or any taxing district from making advanced payments,
32 progress payments, or from prepaying where circumstances make such payments
33 appropriate. All such payments shall be made promptly and are subject to
34 interest penalties when payment is late. Where construction, repair and
35 remodeling payments are subject to retainage, interest penalties shall ac-
36 crue on retained amounts beginning thirty (30) calendar days after work is
37 completed by the contractor(s) unless otherwise provided by contract.

38 (17) Each state department, institution and agency head shall be re-
39 sponsible for prompt payments. In all instances where an interest payment
40 has been made by a state agency because of a late payment, the responsible
41 state agency head shall submit to the joint senate finance-house appropri-
42 ations committee of the legislature at the time of that agency's budget re-
43 quest hearing an explanation of why the bill is paid late and what is being
44 done to solve the late payment problem.

45 (18) Whenever a vendor brings formal administrative action or judicial
46 action to collect interest due under this section, should the vendor pre-
47 vail, the state or taxing district is required to pay any reasonable attorney
48 fees awarded.

49 (19) Where the date of payment to vendors is contingent on the receipt
50 of federal funds or federal approval, the solicitation of bids for contracts

1 and any contracts awarded shall clearly state that payment is contingent on
2 such conditions.

3 (20) The provisions of this section shall not apply to claims against
4 a county for services rendered to any ~~medically indigent, sick or otherwise~~
5 indigent person, nor to judgment obligations.

6 SECTION 13. That Section 67-7903, Idaho Code, be, and the same is hereby
7 amended to read as follows:

8 67-7903. VERIFICATION OF LAWFUL PRESENCE -- EXCEPTIONS -- REPORT-
9 ING. (1) Except as otherwise provided in subsection (3) of this section or
10 where exempted by federal law, each agency or political subdivision of this
11 state shall verify the lawful presence in the United States of each natural
12 person eighteen (18) years of age or older who applies for state or local
13 public benefits or for federal public benefits for the applicant.

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

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

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

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

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

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

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

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

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

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

37 (f) For prenatal care;

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

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

41 ~~Notwithstanding the provisions of this subsection (3), for the county in-~~
42 ~~digent program, the limitations contained in section 31-3502(18)B., Idaho~~
43 ~~Code, shall apply.~~

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

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

49 (b) Requiring the applicant to provide:

- 1 (i) An Idaho driver's license or an Idaho identification card
2 issued pursuant to section 49-2444, Idaho Code;
- 3 (ii) A valid driver's license or similar document issued for the
4 purpose of identification by another state or territory of the
5 United States, if such license or document contains a photograph
6 of the individual or such other personal identifying information
7 relating to the individual that the director of the department of
8 health and welfare or, with regard to unemployment compensation
9 benefits, the director of the department of labor finds, by rule,
10 sufficient for purposes of this section;
- 11 (iii) A United States military card or a military dependent's
12 identification card;
- 13 (iv) A United States coast guard merchant mariner card;
- 14 (v) A native American tribal document;
- 15 (vi) A copy of an executive office of immigration review, immi-
16 gration judge or board of immigration appeals decision, granting
17 asylee status;
- 18 (vii) A copy of an executive office of immigration review, immi-
19 gration judge or board of immigration appeals decision, indicat-
20 ing that the individual may lawfully remain in the United States;
- 21 (viii) Any United States citizenship and immigration service is-
22 sued document showing refugee or asylee status or that the indi-
23 vidual may lawfully remain in the United States;
- 24 (ix) Any department of state or customs and border protection is-
25 sued document showing the individual has been permitted entry into
26 the United States on the basis of refugee or asylee status, or on
27 any other basis that permits the individual to lawfully enter and
28 remain in the United States; or
- 29 (x) A valid United States passport; and
- 30 (c) Requiring the applicant to provide a valid social security number
31 that has been assigned to the applicant; and
- 32 (d) Requiring the applicant to attest, under penalty of perjury and on
33 a form designated or established by the agency or the political subdivi-
34 sion, that:
- 35 (i) The applicant is a United States citizen or legal permanent
36 resident; or
- 37 (ii) The applicant is otherwise lawfully present in the United
38 States pursuant to federal law.
- 39 (5) Notwithstanding the requirements of subsection (4) (b) of this sec-
40 tion, the agency or political subdivision may establish by appropriate legal
41 procedure such rules or regulations to ensure that certain individuals law-
42 fully present in the United States receive authorized benefits including,
43 but not limited to, homeless state citizens.
- 44 (6) For an applicant who has attested pursuant to subsection (4) (d) of
45 this section stating that the applicant is an alien lawfully present in the
46 United States, verification of lawful presence for federal public benefits
47 or state or local public benefits shall be made through the federal system-
48 atic alien verification of entitlement program, which may be referred to as
49 the "SAVE" program, operated by the United States department of homeland se-
50 curity or a successor program designated by the United States department of

1 homeland security. Until such verification of lawful presence is made, the
2 attestation may be presumed to be proof of lawful presence for purposes of
3 this section.

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

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

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

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

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

27 SECTION 14. That Chapter 35, Title 31, Idaho Code, be, and the same is
28 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
29 ignated as Section 31-3559, Idaho Code, and to read as follows:

30 31-3559. COMMUNITY HEALTH CENTER COST PROGRAM. (1) There is hereby
31 created a program to be designated as the "Community Health Center Cost Pro-
32 gram."

33 (2) Moneys in the community health center cost account as described in
34 section 57-825, Idaho Code, shall be used solely for the community health
35 center cost program in the following ways:

36 (a) To assist patients in obtaining prescription medication in an
37 amount not to exceed fifty percent (50%) of the cost of such medication;

38 (b) To assist in the care of patients for nonemergency medical services
39 in an amount not to exceed one hundred thousand dollars (\$100,000) per
40 patient;

41 (c) To assist in costs of commitment and care of patients described in
42 section 66-327, Idaho Code, if a court determines such person is unable
43 to pay all or any part of such costs;

44 (d) To assist in the acquisition and maintenance of medical equipment;
45 and

46 (e) To provide malpractice insurance for volunteers at a community
47 health center.

1 (3) Moneys in the community health center creation account as described
2 in section 57-826, Idaho Code, shall be used solely to assist counties in es-
3 tablishing new community health centers.

4 (4) The assistance to patients described in subsection (2) of this
5 section shall be available only to those individuals under sixty-five (65)
6 years of age with income below one hundred percent (100%) of the federal
7 poverty level (FPL).

8 (5) Counties may contribute to their respective community health cen-
9 ters in an amount equal to their financial assistance on behalf of the medi-
10 cally indigent in state fiscal year 2013 but not to exceed forty-nine percent
11 (49%) of such county's general fund.

12 (6) As used in this section, "community health center" or "CHC" has the
13 same definition as provided in section 39-3203, Idaho Code.

14 SECTION 15. That Chapter 8, Title 57, Idaho Code, be, and the same is
15 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
16 ignated as Section 57-825, Idaho Code, and to read as follows:

17 57-825. COMMUNITY HEALTH CENTER COST ACCOUNT. (1) There is hereby
18 created in the state treasury an account to be designated as the "Community
19 Health Center Cost Account." The account shall be used solely for payment of
20 medical expenses as described in section 31-3559, Idaho Code, or payment of
21 the expenses of administering the community health center cost account.

22 (2) The administrator of the community health center cost account may
23 retain counsel.

24 (3) All moneys placed in the account are hereby perpetually appro-
25 priated to the administrator of the community health center cost account
26 at an amount not to exceed seventy percent (70%) of moneys appropriated
27 to the catastrophic health care cost account in state fiscal year 2013 for
28 purposes of this program. All expenditures from the account shall be paid
29 out in warrants drawn by the state controller upon presentation of proper
30 vouchers from the administrator. Pending use, surplus moneys in the account
31 shall be invested by the state treasurer in the same manner as prescribed in
32 section 67-1210, Idaho Code, with respect to surplus or idle moneys in the
33 state treasury. Interest earned on the investments shall be returned to the
34 account.

35 SECTION 16. That Chapter 8, Title 57, Idaho Code, be, and the same is
36 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
37 ignated as Section 57-826, Idaho Code, and to read as follows:

38 57-826. COMMUNITY HEALTH CENTER CREATION ACCOUNT. (1) There is hereby
39 created in the state treasury an account to be designated as the "Community
40 Health Center Creation Account." The account shall be used solely to assist
41 counties in establishing new community health centers as described in sec-
42 tion 31-3559, Idaho Code, or payment of the expenses of administering the
43 community health center creation account.

44 (2) The administrator of the community health center creation account
45 may retain counsel.

46 (3) All moneys placed in the account are hereby perpetually appropri-
47 ated to the administrator of the community health center creation account at

1 an amount not to exceed thirty percent (30%) of moneys appropriated to the
2 catastrophic health care creation account in state fiscal year 2013 for pur-
3 poses of this program. All expenditures from the account shall be paid out
4 in warrants drawn by the state controller upon presentation of proper vouch-
5 ers from the administrator. Pending use, surplus moneys in the account shall
6 be invested by the state treasurer in the same manner as prescribed in sec-
7 tion 67-1210, Idaho Code, with respect to surplus or idle moneys in the state
8 treasury. Interest earned on the investments shall be returned to the ac-
9 count.