

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 600

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO MEDICAL AND INDIGENT ASSISTANCE; AMENDING SECTION 31-3502,
2 IDAHO CODE, TO REVISE A DEFINITION; REPEALING SECTION 31-3503D, IDAHO
3 CODE, RELATING TO COUNTY PARTICIPATION AND CONTRIBUTION TO THE UTI-
4 LIZATION MANAGEMENT PROGRAM AND THIRD PARTY RECOVERY SYSTEM; AMENDING
5 CHAPTER 35, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION
6 31-3503G, IDAHO CODE, TO PROVIDE FOR THE END OF COUNTY MEDICAL ASSIS-
7 TANCE; AMENDING CHAPTER 35, TITLE 31, IDAHO CODE, BY THE ADDITION OF
8 A NEW SECTION 31-3519A, IDAHO CODE, TO PROVIDE FOR THE SUSPENSION OF
9 THE CATASTROPHIC HEALTH CARE COST PROGRAM; AMENDING SECTION 20-605,
10 IDAHO CODE, TO PROVIDE A RATE OF REIMBURSEMENT FOR MEDICAL CARE FOR
11 INMATES; AMENDING SECTION 20-612, IDAHO CODE, TO REMOVE A PROVISION
12 REGARDING REIMBURSEMENT FOR MEDICAL CARE FOR INMATES; AMENDING SECTION
13 31-863, IDAHO CODE, TO REVISE PROVISIONS REGARDING THE LEVY FOR CHARI-
14 TIES FUND; AMENDING SECTION 31-3302, IDAHO CODE, TO REVISE PROVISIONS
15 REGARDING REIMBURSEMENT FOR MEDICAL CARE FOR INMATES; AMENDING SECTION
16 31-3401, IDAHO CODE, TO REVISE PROVISIONS REGARDING CERTAIN POWERS TO
17 IMPOSE A LEVY; AMENDING THE HEADING FOR CHAPTER 35, TITLE 31, IDAHO
18 CODE; REPEALING SECTION 31-3501, IDAHO CODE, RELATING TO A DECLARATION
19 OF POLICY; REPEALING SECTION 31-3502, IDAHO CODE, RELATING TO DEFINI-
20 TIONS; AMENDING SECTION 31-3503, IDAHO CODE, TO REVISE PROVISIONS
21 REGARDING POWERS AND DUTIES OF COUNTY COMMISSIONERS; AMENDING SECTION
22 31-3503A, IDAHO CODE, TO REVISE PROVISIONS REGARDING POWERS AND DUTIES
23 OF THE BOARD OF THE CATASTROPHIC HEALTH CARE COST PROGRAM; REPEALING
24 SECTION 31-3503C, IDAHO CODE, RELATING TO THE POWERS AND DUTIES OF THE
25 DEPARTMENT OF HEALTH AND WELFARE; REPEALING SECTION 31-3503E, IDAHO
26 CODE, RELATING TO MEDICAID ELIGIBILITY DETERMINATION; REPEALING SEC-
27 TION 31-3503F, IDAHO CODE, RELATING TO PATIENT MEDICAL HOMES; REPEALING
28 SECTION 31-3504, IDAHO CODE, RELATING TO AN APPLICATION FOR FINANCIAL
29 ASSISTANCE; REPEALING SECTION 31-3505, IDAHO CODE, RELATING TO THE TIME
30 AND MANNER OF FILING APPLICATIONS FOR FINANCIAL ASSISTANCE; REPEALING
31 SECTION 31-3505A, IDAHO CODE, RELATING TO INVESTIGATION OF AN APPLI-
32 CATION FOR FINANCIAL ASSISTANCE; REPEALING SECTION 31-3505B, IDAHO
33 CODE, RELATING TO APPROVAL OF AN APPLICATION FOR FINANCIAL ASSISTANCE;
34 REPEALING SECTION 31-3505C, IDAHO CODE, RELATING TO AN INITIAL DECI-
35 SION BY THE COUNTY COMMISSIONERS; REPEALING SECTION 31-3505D, IDAHO
36 CODE, RELATING TO AN APPEAL OF INITIAL DETERMINATION DENYING AN APPLI-
37 CATION; REPEALING SECTION 31-3505E, IDAHO CODE, RELATING TO HEARING ON
38 APPEAL; REPEALING SECTION 31-3505F, IDAHO CODE, RELATING TO ARBITRA-
39 TION; REPEALING SECTION 31-3505G, IDAHO CODE, RELATING TO A PETITION
40 FOR JUDICIAL REVIEW; REPEALING SECTION 31-3506, IDAHO CODE, RELATING
41 TO AN OBLIGATED COUNTY; REPEALING SECTION 31-3507, IDAHO CODE, RELAT-
42 ING TO THE TRANSFER OF A MEDICALLY INDIGENT PATIENT; REPEALING SECTION
43 31-3508, IDAHO CODE, RELATING TO LIMITATIONS ON PAYMENTS FOR NECESSARY
44 MEDICAL SERVICES; REPEALING SECTION 31-3508A, IDAHO CODE, RELATING TO
45

1 PAYMENT FOR NECESSARY MEDICAL SERVICES BY AN OBLIGATED COUNTY; REPEAL-
2 ING SECTION 31-3510, IDAHO CODE, RELATING TO A RIGHT OF SUBROGATION;
3 AMENDING SECTION 31-3510A, IDAHO CODE, TO REMOVE PROVISIONS REGARDING
4 REIMBURSEMENT AND TO MAKE A TECHNICAL CORRECTION; REPEALING SECTION
5 31-3511, IDAHO CODE, RELATING TO VIOLATIONS AND PENALTIES; AMENDING
6 SECTION 31-3514, IDAHO CODE, TO PROVIDE A CORRECT CODE REFERENCE AND TO
7 MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 31-3516, IDAHO CODE, TO
8 PROVIDE CORRECT TERMINOLOGY; REPEALING SECTION 31-3518, IDAHO CODE,
9 RELATING TO ADMINISTRATIVE RESPONSIBILITY; AMENDING SECTION 31-3519,
10 IDAHO CODE, TO REMOVE PROVISIONS REGARDING APPROVAL BY THE BOARD OF
11 THE CATASTROPHIC HEALTH CARE COST PROGRAM AND TO MAKE A TECHNICAL COR-
12 RECTION; REPEALING SECTION 31-3520, IDAHO CODE, RELATING TO CONTRACTS
13 FOR THE PROVISION OF NECESSARY MEDICAL SERVICES; REPEALING SECTION
14 31-3521, IDAHO CODE, RELATING TO EMPLOYMENT OF PHYSICIANS AND OTHER
15 PROVIDERS; REPEALING SECTION 31-3550, IDAHO CODE, RELATING TO A DECLA-
16 RATION OF POLICY; REPEALING SECTION 31-3551, IDAHO CODE, RELATING TO AN
17 ADVISORY PANEL; REPEALING SECTION 31-3552, IDAHO CODE, RELATING TO AP-
18 POINTMENT OF AN ADVISORY PANEL; REPEALING SECTION 31-3553, IDAHO CODE,
19 RELATING TO ADVISORY DECISIONS; REPEALING SECTION 31-3554, IDAHO CODE,
20 RELATING TO TOLLING OF LIMITATION PERIODS; REPEALING SECTION 31-3555,
21 IDAHO CODE, RELATING TO STAY OF COURT PROCEEDINGS; REPEALING SECTION
22 31-3556, IDAHO CODE, RELATING TO EXPENSES FOR ADVISORY PANEL MEMBERS;
23 REPEALING SECTION 31-3557, IDAHO CODE, RELATING TO FREQUENCY OF AND
24 AGENDA FOR ADVISORY PANEL MEETINGS; REPEALING SECTION 31-3558, IDAHO
25 CODE, RELATING TO NONDISCLOSURE OF PERSONAL IDENTIFYING INFORMATION;
26 AMENDING SECTION 31-3607, IDAHO CODE, TO REMOVE CODE REFERENCES AND TO
27 MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-673, IDAHO CODE, TO
28 PROVIDE FOR THE APPORTIONMENT OF CERTAIN FINES TO THE MEDICAID EXPAN-
29 SION FUND AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 56-209b,
30 IDAHO CODE, TO ESTABLISH THE MEDICAID EXPANSION FUND AND THE MEDICAID
31 STABILIZATION FUND AND TO MAKE TECHNICAL CORRECTIONS; REPEALING SEC-
32 TION 56-209f, IDAHO CODE, RELATING TO THE STATE FINANCIAL ASSISTANCE
33 PROGRAM FOR MEDICALLY INDIGENT RESIDENTS; AMENDING CHAPTER 2, TITLE 56,
34 IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-268, IDAHO CODE, TO PRO-
35 VIDE FOR THE ALLOCATION OF MEDICAID EXPANSION COSTS AND TO PROVIDE FOR
36 REGULAR FUNDING FORMULA REVIEW; AMENDING SECTION 57-813, IDAHO CODE, TO
37 REVISE PROVISIONS REGARDING THE CATASTROPHIC HEALTH CARE COST ACCOUNT;
38 AMENDING SECTION 63-3638, IDAHO CODE, TO PROVIDE FOR A DISTRIBUTION
39 TO THE MEDICAID STABILIZATION FUND AND TO MAKE TECHNICAL CORRECTIONS;
40 AMENDING SECTION 66-327, IDAHO CODE, TO REVISE PROVISIONS REGARDING
41 RESPONSIBILITY FOR COSTS OF COMMITMENT AND CARE OF PATIENTS AND TO MAKE
42 TECHNICAL CORRECTIONS; AMENDING CHAPTER 3, TITLE 66, IDAHO CODE, BY
43 THE ADDITION OF A NEW SECTION 66-327A, IDAHO CODE, TO ESTABLISH PROVI-
44 SIONS REGARDING COSTS OF AN OBLIGATED COUNTY; AMENDING SECTION 67-2302,
45 IDAHO CODE, TO REMOVE A PROVISION REGARDING PROMPT PAYMENT FOR GOODS AND
46 SERVICES AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-7903,
47 IDAHO CODE, TO REMOVE A PROVISION REGARDING VERIFICATION OF LAWFUL
48 PRESENCE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 72-1003,
49 IDAHO CODE, TO REMOVE A DEFINITION AND TO MAKE TECHNICAL CORRECTIONS;

1 AMENDING SECTION 31-3503B, IDAHO CODE, TO REMOVE A CODE REFERENCE;
2 DECLARING AN EMERGENCY; AND PROVIDING EFFECTIVE DATES.

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

4 SECTION 1. That Section 31-3502, Idaho Code, be, and the same is hereby
5 amended to read as follows:

6 31-3502. DEFINITIONS. As used in this chapter, the terms defined in
7 this section shall have the following meaning, unless the context clearly
8 indicates another meaning:

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (b) Serious impairment to bodily functions; or

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

47 (13) "Hospital" means a facility licensed and regulated pursuant to
48 sections 39-1301 through 39-1314, Idaho Code, or an out-of-state hospital

1 providing necessary medical services for residents of Idaho, wherein a re-
 2 ciprocal agreement exists, in accordance with section 31-3503B, Idaho Code,
 3 excluding state institutions.

4 (14) "Medicaid eligibility review" means the process used by the de-
 5 partment to determine whether a person meets the criteria for medicaid cov-
 6 erage.

7 (15) "Medical claim" means the itemized statements and standard forms
 8 used by hospitals and providers to satisfy centers for medicare and medicaid
 9 services (CMS) claims submission requirements.

10 (16) "Medical home" means a model of primary and preventive care deliv-
 11 ery in which the patient has a continuous relationship with a personal physi-
 12 cian in a physician directed medical practice that is whole person oriented
 13 and where care is integrated and coordinated.

14 (17) "Medically indigent" means any person who is in need of necessary
 15 medical services and ~~who, if an adult, together with his or her spouse, or~~
 16 ~~whose parents or guardian if a minor or dependent, does not have income and~~
 17 ~~other resources available to him from whatever source sufficient to pay for~~
 18 ~~necessary medical services whose modified adjusted gross income does not ex-~~
 19 ~~ceed one hundred thirty-three percent (133%) of the federal poverty level as~~
 20 ~~described in section 56-267, Idaho Code.~~ Nothing in this definition shall
 21 prevent the board and the county commissioners from requiring the applicant
 22 and obligated persons to reimburse the county and the catastrophic health
 23 care cost program, where appropriate, for all or a portion of their medical
 24 expenses, when investigation of their application pursuant to this chapter,
 25 determines their ability to do so.

26 (18) A. "Necessary medical services" means health care services and
 27 supplies that:

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

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

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

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

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

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

43 (a) Bone marrow transplants;

44 (b) Organ transplants;

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

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

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

50 (f) Medicare copayments and deductibles;

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

3 (h) Medicaid copayments and deductibles; and

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

7 (19) "Obligated person" means the person or persons who are legally re-
8 sponsible for an applicant including, but not limited to, parents of minors
9 or dependents.

10 (20) "Primary and preventive health care" means the provision of pro-
11 fessional health services that include health education and disease preven-
12 tion, initial assessment of health problems, treatment of acute and chronic
13 health problems and the overall management of an individual's health care
14 services.

15 (21) "Provider" means any person, firm or corporation certified or li-
16 censed by the state of Idaho or holding an equivalent license or certifica-
17 tion in another state, that provides necessary medical services to a patient
18 requesting a medically indigent status determination or filing an applica-
19 tion for financial assistance.

20 (22) "Recipient" means an individual determined eligible for financial
21 assistance under this chapter.

22 (23) "Reimbursement rate" means the unadjusted medicaid rate of reim-
23 bursement for medical charges allowed pursuant to title XIX of the social se-
24 curity act, as amended, that is in effect at the time service is rendered.
25 The "reimbursement rate" shall mean ninety-five percent (95%) of the unad-
26 justed medicaid rate.

27 (24) "Resident" means a person with a home, house, place of abode, place
28 of habitation, dwelling or place where he or she actually lived for a consec-
29 utive period of thirty (30) days or more within the state of Idaho. A resi-
30 dent does not include a person who comes into this state for temporary pur-
31 poses, including, but not limited to, education, vacation, or seasonal la-
32 bor. Entry into active military duty shall not change a person's residence
33 for the purposes of this chapter. Those physically present within the fol-
34 lowing facilities and institutions shall be residents of the county where
35 they were residents prior to entering the facility or institution:

36 (a) Correctional facilities;

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

38 (c) Other medical facility or institution.

39 (25) "Resources" means all property, for which an applicant and/or an
40 obligated person may be eligible or in which he or she may have an interest,
41 whether tangible or intangible, real or personal, liquid or nonliquid, or
42 pending, including, but not limited to, all forms of public assistance,
43 crime victims compensation, worker's compensation, veterans benefits, med-
44 icaid, medicare, supplemental security income (SSI), third party insurance,
45 other insurance or apply for section 1011 of the medicare modernization act
46 of 2003, if applicable, and any other property from any source. Resources
47 shall include the ability of an applicant and obligated persons to pay for
48 necessary medical services, excluding any interest charges, over a period
49 of up to five (5) years starting on the date necessary medical services are
50 first provided. For purposes of determining approval for medical indigency

1 only, resources shall not include the value of the homestead on the applicant
2 or obligated person's residence, a burial plot, exemptions for personal
3 property allowed in section 11-605(1) through (3), Idaho Code, and addi-
4 tional exemptions allowed by county resolution.

5 (26) "Third party applicant" means a person other than an obligated per-
6 son who completes, signs and files an application on behalf of a patient. A
7 third party applicant who files an application on behalf of a patient pur-
8 suant to section 31-3504, Idaho Code, shall, if possible, deliver a copy of
9 the application to the patient within three (3) business days after filing
10 the application.

11 (27) "Third party insurance" means casualty insurance, disability in-
12 surance, health insurance, life insurance, marine and transportation in-
13 surance, motor vehicle insurance, property insurance or any other insurance
14 coverage that may pay for a resident's medical bills.

15 (28) "Utilization management" means the evaluation of medical neces-
16 sity, appropriateness and efficiency of the use of health care services,
17 procedures and facilities. "Utilization management" may include, but is
18 not limited to, preadmission certification, the application of practice
19 guidelines, continued stay review, discharge planning, case management,
20 preauthorization of ambulatory procedures, retrospective review and claims
21 review. "Utilization management" may also include the amount to be paid
22 based on the application of the reimbursement rate to those medical services
23 determined to be necessary medical services.

24 SECTION 2. That Section [31-3503D](#), Idaho Code, be, and the same is hereby
25 repealed.

26 SECTION 3. That Chapter 35, Title 31, Idaho Code, be, and the same is
27 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
28 ignated as Section 31-3503G, Idaho Code, and to read as follows:

29 31-3503G. END OF COUNTY MEDICAL ASSISTANCE. (1) Notwithstanding any
30 provision of law or rule to the contrary, no board of county commissioners
31 shall approve an application for financial assistance after this section has
32 been effective for one hundred eighty (180) days.

33 (2) A board of county commissioners may, as necessary, continue to ad-
34 minister county medical assistance relating to applications approved prior
35 to the deadline described in subsection (1) of this section for up to twelve
36 (12) months following the effective date of this section.

37 SECTION 4. That Chapter 35, Title 31, Idaho Code, be, and the same is
38 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
39 ignated as Section 31-3519A, Idaho Code, and to read as follows:

40 31-3519A. SUSPENSION OF THE CATASTROPHIC HEALTH CARE COST PRO-
41 GRAM. (1) Notwithstanding any provision of law or rule to the contrary, no
42 application for financial assistance through the board of the catastrophic
43 health care cost program shall be approved under this chapter if such appli-
44 cation is made on or after the one (1) year anniversary of the effective date
45 of this section.

1 (2) Final decisions by the board of the catastrophic health care cost
2 program on all outstanding applications for financial assistance must occur
3 on or before June 30, 2021.

4 (3) Final payments on medical claims shall be disbursed with funds ap-
5 propriated for fiscal year 2021.

6 (4) Upon final decision of all outstanding applications for financial
7 assistance, the board of the catastrophic health care cost program shall
8 suspend operations, but board members shall retain their appointments. The
9 department of health and welfare shall act as a fiscal agent to oversee any
10 ongoing administrative actions, including distribution of any remaining
11 outstanding payments from the catastrophic health care cost account and
12 collection of ongoing reimbursements for deposit into that account in accor-
13 dance with final board decisions.

14 SECTION 5. That Section 20-605, Idaho Code, be, and the same is hereby
15 amended to read as follows:

16 20-605. COSTS OF CONFINEMENT. (1) The county wherein any court has
17 entered an order pursuant to section 20-604, Idaho Code, shall pay all direct
18 and indirect costs of the detention or confinement of the person to the gov-
19 ernmental unit or agency owning or operating the jail or confinement facili-
20 ties in which the person was confined or detained. The amount of such direct
21 and indirect costs shall be determined on a per day per person basis by agree-
22 ment between the county wherein the court entered the order and the county
23 or governmental unit or agency owning or operating such jail or confinement
24 facilities. In the absence of such agreement or order fixing the cost as
25 provided in section 20-606, Idaho Code, the charge for each person confined
26 or detained shall be the sum of thirty-five dollars (\$35.00) per day, plus
27 the cost of any medical or dental services paid at the rate of reimbursement
28 as provided in ~~chapter 35, title 31, Idaho Code~~ subsection (2) of this sec-
29 tion, unless a rate of reimbursement is otherwise established by contract
30 or agreement; provided, however, that the county may determine whether the
31 detained or confined person is eligible for any local, state, federal or
32 private program that covers dental, medical and/or burial expenses. That
33 person will be required to apply for those benefits, and any such benefits
34 obtained may be applied to the detained or confined person's incurred ex-
35 penses, and in the event of the death of such detained or confined person, the
36 county wherein the court entered the order shall pay all actual burial costs.
37 Release from an order pursuant to section 20-604, Idaho Code, for the purpose
38 of a person receiving medical treatment shall not relieve the county of its
39 obligation of paying the medical care expenses imposed in this section. In
40 case a person confined or detained was initially arrested by a city police
41 officer for violation of the motor vehicle laws of this state or for viola-
42 tion of a city ordinance, the cost of such confinement or detention shall be
43 a charge against such city by the county wherein the order of confinement was
44 entered. All payments under this section shall be acted upon for each calen-
45 dar month by the second Monday of the month following the date of billing.

46 (2) Unless a rate of reimbursement is otherwise established by contract
47 or agreement, the rate of reimbursement shall be ninety-five percent (95%)
48 of the unadjusted medicaid rate of reimbursement for medical charges allowed

1 pursuant to title XIX of the social security act, as amended, that is in ef-
 2 fect at the time service is rendered.

3 SECTION 6. That Section 20-612, Idaho Code, be, and the same is hereby
 4 amended to read as follows:

5 20-612. RECEPTION AND BOARD OF PRISONERS. The sheriff must receive all
 6 persons committed to jail by competent authority except mentally ill persons
 7 not charged with a crime and juveniles. It shall be the duty of the board
 8 of county commissioners to furnish all persons committed to the county jail
 9 with necessary food, clothing, bedding, and medical care, and the board of
 10 county commissioners is authorized to pay therefor out of the county trea-
 11 sury under such rules and regulations as they may prescribe. The county's
 12 obligation herein shall not apply when the person is no longer committed
 13 to the county jail if the person has been released pursuant to a dismissal,
 14 bail, or any other court order of release, unless the release is a temporary
 15 release from the jail solely for the purpose of receiving medical care for
 16 an injury that occurred while committed in the county jail. ~~Nothing in this~~
 17 ~~chapter precludes a released person from access to coverage under chapter~~
 18 ~~35, title 31, Idaho Code.~~

19 SECTION 7. That Section 31-863, Idaho Code, be, and the same is hereby
 20 amended to read as follows:

21 31-863. LEVY FOR CHARITIES FUND. For the purpose of nonmedical indi-
 22 gent assistance pursuant to chapter 34, title 31, Idaho Code, for the purpose
 23 of involuntary mental health services pursuant to chapter 3, title 66, Idaho
 24 Code, and for the purpose of providing ~~financial assistance on behalf of the~~
 25 ~~medically indigent, pursuant to chapter 35,~~ services authorized by chapter
 26 46, title 31, Idaho Code, said boards are authorized to levy an ad valorem tax
 27 not to exceed ten hundredths of one percent (.10%) of the market value for as-
 28 sessment purposes of all taxable property in the county.

29 SECTION 8. That Section 31-3302, Idaho Code, be, and the same is hereby
 30 amended to read as follows:

31 31-3302. COUNTY CHARGES ENUMERATED. The following are county charges:
 32 (1) Charges incurred against the county by virtue of any provision of
 33 this title.
 34 (2) The compensation allowed by law to constables and sheriffs for ex-
 35 ecuting process on persons charged with criminal offenses; for services and
 36 expenses in conveying criminals to jail; for the service of subpoenas issued
 37 by or at the request of the prosecuting attorneys, and for other services in
 38 relation to criminal proceedings.
 39 (3) The expenses necessarily incurred in the support of persons
 40 charged with or convicted of crime and committed therefor to the county
 41 jail. ~~Provided that any m~~Medical expenses shall be paid at the rate of re-
 42 ~~imbursement as provided in chapter 35, title 31 section 20-605(2),~~ Idaho
 43 Code, unless a rate of reimbursement is otherwise established by contract or
 44 agreement.

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

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

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

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

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

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

15 SECTION 9. That Section 31-3401, Idaho Code, be, and the same is hereby
16 amended to read as follows:

17 31-3401. POWERS AND DUTIES OF THE BOARD OF COUNTY COMMISSIONERS. The
18 boards of county commissioners in their respective counties shall, under
19 such limitations and restrictions as are prescribed by law, evaluate the
20 need and provide to indigent person(s) nonmedical assistance in a temporary
21 situation only when no alternatives exist. Nothing in this chapter shall
22 imply county assistance is to be provided on a continuing basis. Boards of
23 county commissioners, by resolution, shall promulgate policies and proce-
24 dures, may negotiate payment to providers, and may contract for nonmedical
25 services, pursuant to this chapter. For the purpose of funding nonmedical
26 services for indigent persons, boards of county commissioners are autho-
27 rized to levy an ad valorem tax pursuant to section ~~31-3503~~ 31-863, Idaho
28 Code.

29 SECTION 10. That the Heading for Chapter 35, Title 31, Idaho Code, be,
30 and the same is hereby amended to read as follows:

31 CHAPTER 35
32 COUNTY HOSPITALS ~~FOR INDIGENT SICK~~

33 SECTION 11. That Section 31-3501, Idaho Code, be, and the same is hereby
34 repealed.

35 SECTION 12. That Section 31-3502, Idaho Code, be, and the same is hereby
36 repealed.

37 SECTION 13. That Section 31-3503, Idaho Code, be, and the same is hereby
38 amended to read as follows:

39 31-3503. POWERS AND DUTIES OF COUNTY COMMISSIONERS. The county com-
40 missioners in their respective counties shall, under such limitations and
41 restrictions as are prescribed by law-

42 ~~(1) Pay for necessary medical services for the medically indigent res-~~
43 ~~idents of their counties as provided in this chapter and as approved by the~~

1 county commissioners at the reimbursement rate up to the total sum of eleven
 2 thousand dollars (\$11,000) in the aggregate per resident in any consecutive
 3 twelve (12) month period or contract for the provision of necessary medical
 4 services pursuant to sections 31-3520 and 31-3521, Idaho Code.

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

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

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

28 SECTION 14. That Section 31-3503A, Idaho Code, be, and the same is
 29 hereby amended to read as follows:

30 31-3503A. POWERS AND DUTIES OF THE BOARD. The board shall, under such
 31 limitations and restrictions as are prescribed by law:

32 (1) Pay for the cost of necessary medical services for a medically in-
 33 digent resident, as provided in and approved pursuant to this chapter, ~~where~~
 34 ~~the cost of necessary medical services when paid at the reimbursement rate~~
 35 ~~exceeds the total sum of eleven thousand dollars (\$11,000) in the aggregate~~
 36 ~~per resident in any consecutive twelve (12) month period;~~

37 (2) ~~Have the right to negotiate provider agreements, contract for uti-~~
 38 ~~lization management or any portion thereof, pay for authorized expenses di-~~
 39 ~~rectly, or indirectly through the use of alternative programs, that would~~
 40 ~~assist in managing costs of providing health care for indigent persons, and~~
 41 ~~all other powers incident to the board's duties created by this chapter;~~

42 ~~(3) Cooperate with the department, respective counties of the state and~~
 43 ~~contractors retained by the department or county commissioners to provide~~
 44 ~~services including, but not limited to, eligibility review and utilization~~
 45 ~~management on behalf of the counties and the board;~~

46 ~~(4) Require, as the board deems necessary, annual reports from each~~
 47 ~~county and each hospital including, but not limited to, the following:~~

48 ~~(a) From each county and for each applicant:~~

49 ~~(i) Case number and the date services began;~~

- 1 ~~(ii) Age;~~
 2 ~~(iii) Residence;~~
 3 ~~(iv) Sex;~~
 4 ~~(v) Diagnosis;~~
 5 ~~(vi) Income;~~
 6 ~~(vii) Family size;~~
 7 ~~(viii) Amount of costs incurred including provider, legal and ad-~~
 8 ~~ministrative charges;~~
 9 ~~(ix) Approval or denial; and~~
 10 ~~(x) Reasons for denial.~~

- 11 ~~(b) From each hospital:~~
 12 ~~(i) 990 tax forms or comparable information;~~
 13 ~~(ii) Cost of charges where charitable care was provided; and~~
 14 ~~(iii) Administrative and legal costs incurred in processing~~
 15 ~~claims under this chapter.~~

16 ~~(5) Authorize all disbursements from the catastrophic health care cost~~
 17 ~~program in accordance with the provisions of this chapter;~~

18 ~~(6) Make and enter into contracts;~~

19 ~~(73) Develop and submit a proposed budget setting forth the amount nec-~~
 20 ~~essary to perform its functions and prepare an annual report;~~

21 ~~(84) Perform such other duties as set forth in the laws of this state;~~
 22 and

23 ~~(95) Conduct examinations, investigations, audits and hear testimony~~
 24 ~~and take proof, under oath or affirmation, at public or private hearings, on~~
 25 ~~any matter necessary to fulfill its duties.~~

26 SECTION 15. That Section [31-3503C](#), Idaho Code, be, and the same is
 27 hereby repealed.

28 SECTION 16. That Section [31-3503E](#), Idaho Code, be, and the same is
 29 hereby repealed.

30 SECTION 17. That Section [31-3503F](#), Idaho Code, be, and the same is
 31 hereby repealed.

32 SECTION 18. That Section [31-3504](#), Idaho Code, be, and the same is hereby
 33 repealed.

34 SECTION 19. That Section [31-3505](#), Idaho Code, be, and the same is hereby
 35 repealed.

36 SECTION 20. That Section [31-3505A](#), Idaho Code, be, and the same is
 37 hereby repealed.

38 SECTION 21. That Section [31-3505B](#), Idaho Code, be, and the same is
 39 hereby repealed.

40 SECTION 22. That Section [31-3505C](#), Idaho Code, be, and the same is
 41 hereby repealed.

42 SECTION 23. That Section [31-3505D](#), Idaho Code, be, and the same is
 43 hereby repealed.

1 SECTION 24. That Section [31-3505E](#), Idaho Code, be, and the same is
2 hereby repealed.

3 SECTION 25. That Section [31-3505F](#), Idaho Code, be, and the same is
4 hereby repealed.

5 SECTION 26. That Section [31-3505G](#), Idaho Code, be, and the same is
6 hereby repealed.

7 SECTION 27. That Section [31-3506](#), Idaho Code, be, and the same is hereby
8 repealed.

9 SECTION 28. That Section [31-3507](#), Idaho Code, be, and the same is hereby
10 repealed.

11 SECTION 29. That Section [31-3508](#), Idaho Code, be, and the same is hereby
12 repealed.

13 SECTION 30. That Section [31-3508A](#), Idaho Code, be, and the same is
14 hereby repealed.

15 SECTION 31. That Section [31-3510](#), Idaho Code, be, and the same is hereby
16 repealed.

17 SECTION 32. That Section 31-3510A, Idaho Code, be, and the same is
18 hereby amended to read as follows:

19 31-3510A. REIMBURSEMENT. (1) Receipt of financial assistance pur-
20 suant to this chapter shall obligate an applicant to reimburse the obligated
21 county and the board for such reasonable portion of the financial assistance
22 paid on behalf of the applicant as the county commissioners may determine
23 that the applicant is able to pay from resources over a reasonable period of
24 time. Cash amounts received shall be prorated between the county and the
25 board in proportion to the amount each has paid.

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

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

34 (4) The automatic lien created pursuant to ~~the~~ this chapter may be filed
35 and recorded in any county of this state wherein the applicant has resources
36 and may be liquidated or unliquidated in amount. Nothing herein shall pro-
37 hibit an applicant from executing a consensual lien in addition to the au-
38 tomatic lien created by filing an application pursuant to this chapter. In
39 the event that resources can be located in another state, the clerk may file
40 the lien with the district court and provide notice to the recipient. The re-
41 cipient shall have twenty (20) days to object, following which the district
42 court shall enter judgment against the recipient. The judgment entered may

1 thereafter be filed as provided for the filing of a foreign judgment in that
2 jurisdiction.

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

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

8 (7) That portion of the moneys received by a county as reimbursement
9 that are not assigned to the catastrophic health care cost program shall be
10 credited to the respective county ~~medically indigent fund~~.

11 ~~(8) If, after a hearing, the final determination of the county commis-~~
12 ~~sioners is to require a reimbursement amount or rate the applicant believes~~
13 ~~excessive, the applicant may seek judicial review of the final determination~~
14 ~~of the county commissioners in the manner provided in section 31-1506, Idaho~~
15 ~~Code.~~

16 SECTION 33. That Section [31-3511](#), Idaho Code, be, and the same is hereby
17 repealed.

18 SECTION 34. That Section 31-3514, Idaho Code, be, and the same is hereby
19 amended to read as follows:

20 31-3514. INTERNAL MANAGEMENT -- ACCOUNTS AND REPORTS. Such facilities
21 as referred to in section 31-3503(2), Idaho Code, may suitably provide for
22 and accept other patients and must charge and accept payments from such other
23 patients as are able to make payments for services rendered and care given.
24 The county commissioners may make suitable rules and regulations for the
25 management and operation of such property by a suitable board of control, or
26 otherwise, or for carrying out such hospital uses and purposes under a lease
27 of the same.

28 The boards or officers or lessees of such hospital property shall render
29 accounts and reports to the county commissioners as may be required by the
30 county commissioners, and shall render accounts and deliver over any and all
31 moneys received by them for the county to the county treasurer to be credited
32 to the operation expense of hospitals and indigent sick and otherwise depen-
33 dent poor of the county in such manner as provided by law for the handling of
34 funds of this kind.

35 Said board of control may permit persons from out of the county where
36 such hospital is located to be admitted for hospitalization to such hospi-
37 tal. As to such cases, special rates for the use and service of such hospi-
38 tal may be provided, which rates shall apply equally to all such patients who
39 do not pay taxes within the county where such hospital is located. The pur-
40 pose of providing such special rates shall be to compel persons living out of
41 the county where such hospital is located, and who receive hospitalization
42 in such hospital, to bear a just burden of the cost of construction and main-
43 tenance of such hospital.

44 SECTION 35. That Section 31-3516, Idaho Code, be, and the same is hereby
45 amended to read as follows:

1 31-3516. ~~SEPARABILITY~~ SEVERABILITY. If any provision of this chapter
2 or the application thereof to any person or circumstance is held invalid,
3 such invalidity shall not affect other provisions or applications of this
4 chapter, which can be given effect without the invalid provisions or appli-
5 cations, and to this end the provisions of this chapter are declared to be
6 severable.

7 SECTION 36. That Section [31-3518](#), Idaho Code, be, and the same is hereby
8 repealed.

9 SECTION 37. That Section 31-3519, Idaho Code, be, and the same is hereby
10 amended to read as follows:

11 31-3519. APPROVAL AND PAYMENT BY THE BOARD. (1) Upon receipt of the
12 clerk's statement, a final determination of the county commissioners and the
13 completed application, the board shall approve an application for financial
14 assistance under the catastrophic health care cost program if it determines
15 that:

16 ~~(a) Necessary medical services have been provided for a medically in-~~
17 ~~igent resident in accordance with this chapter;~~

18 ~~(b) The obligated county paid the first eleven thousand dollars~~
19 ~~(\$11,000) of necessary medical services; and~~

20 ~~(c) The cost of necessary medical services when paid at the reimburse-~~
21 ~~ment rate exceeds the total sum of eleven thousand dollars (\$11,000) in~~
22 ~~the aggregate per resident in any consecutive twelve (12) month period.~~

23 (2) Payment to a hospital or provider pursuant to this chapter shall be
24 payment of the debt in full, and the hospital or provider shall not seek addi-
25 tional funds from the applicant.

26 (3) In no event shall the board be obligated to pay a claim, pursuant to
27 this chapter, in excess of an amount based on the application of the appro-
28 priate reimbursement rate to those medical services determined to be neces-
29 sary medical services. The board may use contractors to undertake utiliza-
30 tion management review in any part of that analysis.

31 (4) The board shall, within forty-five (45) days after approval by the
32 board, submit the claim to the state controller for payment. Payment by the
33 state controller shall be made pursuant to section 67-2302, Idaho Code.

34 SECTION 38. That Section [31-3520](#), Idaho Code, be, and the same is hereby
35 repealed.

36 SECTION 39. That Section [31-3521](#), Idaho Code, be, and the same is hereby
37 repealed.

38 SECTION 40. That Section [31-3550](#), Idaho Code, be, and the same is hereby
39 repealed.

40 SECTION 41. That Section [31-3551](#), Idaho Code, be, and the same is hereby
41 repealed.

42 SECTION 42. That Section [31-3552](#), Idaho Code, be, and the same is hereby
43 repealed.

1 SECTION 43. That Section [31-3553](#), Idaho Code, be, and the same is hereby
2 repealed.

3 SECTION 44. That Section [31-3554](#), Idaho Code, be, and the same is hereby
4 repealed.

5 SECTION 45. That Section [31-3555](#), Idaho Code, be, and the same is hereby
6 repealed.

7 SECTION 46. That Section [31-3556](#), Idaho Code, be, and the same is hereby
8 repealed.

9 SECTION 47. That Section [31-3557](#), Idaho Code, be, and the same is hereby
10 repealed.

11 SECTION 48. That Section [31-3558](#), Idaho Code, be, and the same is hereby
12 repealed.

13 SECTION 49. That Section 31-3607, Idaho Code, be, and the same is hereby
14 amended to read as follows:

15 31-3607. DUTIES OF BOARD. (a~~1~~) Fiscal Affairs. -- The county hospital
16 board shall be charged with the care, custody, upkeep, management and opera-
17 tion of all property belonging to the county and devoted to the purposes pro-
18 vided in sections ~~31-3501~~ and 31-3503, Idaho Code, and shall be responsible
19 for all moneys received by it, including all revenues from the operation of
20 such property, all moneys received by tax levies for operation of such prop-
21 erty, and all moneys received from whatever source, by contribution or oth-
22 erwise, for such purposes: ~~P~~; provided, that if any contribution of money
23 or property be offered to the hospital board of the county for use for a spe-
24 cific purpose the hospital board may, if it deems it for the best interest of
25 the hospital or other facility or property under its management, accept such
26 contribution and use such contribution for such purpose.

27 (b~~2~~) Funds -- Custody and Disbursement. -- The hospital board shall
28 safely keep or cause to be kept all moneys coming into the care, custody or
29 possession of the board in strict compliance with the public depository law
30 of this state, and shall pay out such money for valid bills and obligations of
31 the hospital, and shall keep or cause to be kept proper records in its minutes
32 of all its proceedings and all business transactions and proper accounts of
33 all moneys received by it, expended and on hand. The minutes of the board
34 shall be open to inspection by any taxpayer or elector of the county during
35 all regular office hours.

36 (c~~3~~) Reports. -- The county hospital board shall report to the board
37 of county commissioners within thirty (30) days after the acceptance of
38 the annual hospital audit after the close of the fiscal year and shall an-
39 nually publish in one (1) issue of a newspaper having general circulation
40 in the county a financial statement reflecting the financial operations of
41 the hospital, together with such other information as the board of county
42 commissioners may deem necessary for the information of the people of the
43 county. The county hospital board shall also prepare in its regular course
44 of business unaudited monthly financial reports reflecting the financial

1 operations of the hospital. The county hospital board shall provide a copy
 2 of those monthly reports to the member of the board of commissioners serving
 3 as an ex officio member of the county hospital board.

4 (d4) Limitations. -- The county hospital board subject to the bud-
 5 getary limitations herein contained may acquire or build other property
 6 for the purposes provided in sections ~~31-3501~~ and 31-3503, Idaho Code, or
 7 improve, remodel, enlarge, reduce, or dispose of property being used for
 8 such purposes. The county hospital board shall not have power to create any
 9 indebtedness in excess of the amount of its annual budget as approved by the
 10 board of county commissioners:—P; provided, that if the county hospital
 11 board be formed after the time fixed by law for adoption of the budget, it may
 12 then formulate and submit to the board of county commissioners a budget for
 13 the rest of the current year, which budget, however, shall not provide for
 14 expenditure or creation of indebtedness in an amount greater than the esti-
 15 mated income for that year, together with any receipts from taxes specially
 16 levied for hospital purposes in such year.

17 SECTION 50. That Section 49-673, Idaho Code, be, and the same is hereby
 18 amended to read as follows:

19 49-673. SAFETY RESTRAINT USE. (1) Except as provided in section
 20 49-672, Idaho Code, and subsection (2) of this section, each occupant of a
 21 motor vehicle that has a gross vehicle weight of not more than eight thousand
 22 (8,000) pounds, and that was manufactured with safety restraints in compli-
 23 ance with federal motor vehicle safety standard no. 208, shall have a safety
 24 restraint properly fastened about the occupant's body at all times when the
 25 vehicle is in motion.

26 (2) The provisions of this section shall not apply to:

27 (a) An occupant of a motor vehicle who possesses a written statement
 28 from a licensed physician that the occupant is unable for medical rea-
 29 sons to wear a safety restraint;

30 (b) Occupants of motorcycles, implements of husbandry and emergency
 31 vehicles;

32 (c) Occupants of seats of a motor vehicle in which all safety restraints
 33 are then properly in use by other occupants of that vehicle; or

34 (d) Mail carriers only if all vehicle regulations and safety practices
 35 of the United States postal service are adhered to.

36 (3) (a) A citation may be issued to:

37 (i) Any occupant of the motor vehicle who is age eighteen (18)
 38 years or older and fails to wear a safety restraint as required in
 39 this section; and

40 (ii) The operator of the motor vehicle who is age eighteen (18)
 41 years or older if any occupant under eighteen (18) years of age
 42 fails to wear a safety restraint as required in this section.
 43 For purposes of this subparagraph, it shall be deemed a single
 44 violation regardless of the number of occupants not properly re-
 45 strained.

46 (b) A person issued a citation pursuant to this subsection shall be sub-
 47 ject to a fine of ten dollars (\$10.00), with plus court costs. Through
 48 September 30, 2020, five dollars (\$5.00) of such fine ~~to~~ shall be appor-
 49 tioned to the catastrophic health care cost ~~fund~~ account, as set forth

1 in section 57-813, Idaho Code. On or after October 1, 2020, five dollars
 2 (\$5.00) of such fine shall be apportioned to the medicaid expansion fund
 3 created in section 56-209b, Idaho Code. A conviction under this subsec-
 4 tion shall not result in violation point counts as prescribed in section
 5 49-326, Idaho Code, nor shall such a conviction be deemed to be a moving
 6 traffic violation for the purpose of establishing rates of motor vehi-
 7 cle insurance charged by a casualty insurer.

8 (4) A citation may be issued to the operator of the motor vehicle if the
 9 operator is under eighteen (18) years of age and the operator or any other
 10 occupant who is under eighteen (18) years of age fails to wear a safety re-
 11 straint as required in this section. For purposes of this subsection, it
 12 shall be deemed a single violation regardless of the number of occupants not
 13 properly restrained. A person issued a citation pursuant to this subsection
 14 shall be subject to a fine of ten dollars (\$10.00), plus court costs. Through
 15 September 30, 2020, five dollars (\$5.00) of such fine ~~to~~ shall be apportioned
 16 to the catastrophic health care cost ~~fund~~ account as set forth in section
 17 57-813, Idaho Code, ~~plus court costs.~~ On and after October 1, 2020, five dol-
 18 lars (\$5.00) of such fine shall be apportioned to the medicaid expansion fund
 19 created in section 56-209b, Idaho Code. A conviction under this subsection
 20 shall not result in violation point counts as prescribed in section 49-326,
 21 Idaho Code. In addition, a conviction under this subsection shall not be
 22 deemed to be a moving traffic violation for the purpose of establishing rates
 23 of motor vehicle insurance charged by a casualty insurer.

24 (5) Enforcement of this section by law enforcement officers may be ac-
 25 complished only as a secondary action when the operator of the motor vehicle
 26 has been detained for a suspected violation of another law.

27 (6) The department shall initiate and conduct an educational program,
 28 to the extent sufficient private donations or federal funds for this spe-
 29 cific purpose are available to the department, to encourage compliance with
 30 the provisions of this section and to publicize the effectiveness of use of
 31 safety restraints and other restraint devices in reducing risk of harm to oc-
 32 cupants of motor vehicles.

33 (7) The department shall evaluate the effectiveness of the provisions
 34 of this section and shall include a report of its findings in its annual eval-
 35 uation report on the Idaho highway safety plan which it submits to the na-
 36 tional highway traffic safety administration and federal highway adminis-
 37 tration pursuant to 23 U.S.C. ~~section~~ 402.

38 (8) The failure to use a safety restraint shall not be considered under
 39 any circumstances as evidence of contributory or comparative negligence,
 40 nor shall such failure be admissible as evidence in any civil action with
 41 regard to negligence.

42 SECTION 51. That Section 56-209b, Idaho Code, be, and the same is hereby
 43 amended to read as follows:

44 56-209b. MEDICAL ASSISTANCE -- MEDICAL ASSISTANCE ACCOUNT -- MEDICAID
 45 EXPANSION FUND -- MEDICAID STABILIZATION FUND. (1) Medical assistance shall
 46 be awarded to persons as mandated by federal law; and medical assistance may
 47 be awarded to such other persons not required to be awarded medical assis-
 48 tance as mandated by federal law when such award is to the fiscal advantage of
 49 the state of Idaho.

1 (2) There is hereby created in the dedicated fund the medical assis-
2 tance account. The medical assistance account shall be an entity primarily
3 designed to receive moneys from the families and relatives of patients re-
4 ceiving medical assistance under the state plan for medicaid, and to pro-
5 vide a source of moneys to pay for the state's share of medical assistance ex-
6 penses. Moneys in the medical assistance account may not be commingled with
7 moneys in the cooperative welfare ~~account~~ fund. Moneys in the medical as-
8 sistance account must be appropriated in order to be expended to pay for the
9 state's share of medical assistance expenses.

10 (3) In all cases where the department of health and welfare through the
11 medical assistance program has or will be required to pay medical expenses
12 for a recipient and that recipient is entitled to recover any or all such med-
13 ical expenses from any third party or entity, the department of health and
14 welfare will be subrogated to the rights of the recipient to the extent of the
15 amount of medical assistance benefits paid by the department as the result of
16 the occurrence giving rise to the claim against the third party or entity.

17 (4) If a recipient of medical assistance pursues a claim against a third
18 party or entity through litigation or a settlement, the recipient will so no-
19 tify the department. If a recipient fails to notify the department of such
20 claim, the department may recover the amount of any public assistance ob-
21 tained by the recipient while the recipient pursued such claim. In addition,
22 if the recipient recovers funds, either by settlement or judgment, from such
23 a third party or entity, the recipient shall reimburse the department to the
24 extent of the funds received in settlement minus attorney's fees and costs,
25 the amount of the medical assistance benefits paid by the department on his
26 behalf as a result of the occurrence giving rise to the need for medical as-
27 sistance. The department shall be entitled to all the legal rights and pow-
28 ers of a creditor against a debtor in enforcing the recipient's reimburse-
29 ment obligation.

30 (5) The department shall have priority to any amount received from a
31 third party or entity which can reasonably be construed to compensate the re-
32 cipient for the occurrence giving rise to the need for medical assistance,
33 whether the settlement or judgment is obtained through the subrogation right
34 of the department or through recovery by the recipient, and whether or not
35 the recipient is made whole by the amount recovered. The department will be
36 entitled to reimbursement of medical assistance benefits paid on behalf of
37 the recipient arising from the incident or occurrence prior to any amount be-
38 ing distributed to the recipient. The department may notify such third party
39 or entity of the department's entitlement to receive the reimbursement prior
40 to any amount being distributed to the recipient. Furthermore, the depart-
41 ment may instruct the third party or entity to make such payment directly to
42 the department prior to any amount being distributed to the recipient. Any
43 third party or entity who distributed funds in violation of such a notice
44 shall be liable to the department for the amount of the reimbursement.

45 (6) In the event a recipient of assistance through the medical assis-
46 tance program incurs the obligation to pay attorney's fees and costs for the
47 purpose of enforcing a monetary claim to which the department has a right
48 under this section, the amount ~~which~~ that the department is entitled to re-
49 cover, or any lesser amount ~~which~~ that the department may agree to accept in
50 compromise of its claim, shall be reduced by an amount ~~which~~ that bears the

1 same relation to the total amount of attorney's fees and costs actually paid
2 by the recipient as the amount actually recovered for medical expenses paid
3 by the department, exclusive of the reduction for attorney's fees and costs,
4 bears to the total amount paid by the third party or entity to the recipient.
5 If a settlement or judgment is received by the recipient without delineating
6 what portion of the settlement or judgment is in payment of medical expenses,
7 it will be presumed that the settlement or judgment applies first to the med-
8 ical expenses incurred by the recipient in an amount equal to the expenditure
9 for medical assistance benefits paid by the department as a result of the oc-
10 currence giving rise to the payment or payments to the recipient.

11 (7) There is hereby created in the state treasury the medicaid expan-
12 sion fund. The medicaid expansion fund shall receive moneys from the gen-
13 eral fund and other sources, including the medicaid stabilization fund, pur-
14 suant to chapter 8, title 31, Idaho Code, and shall be used by the department
15 for the purposes of providing medical assistance to individuals described in
16 section 56-267(1), Idaho Code. Moneys in the medicaid expansion fund may not
17 be commingled with moneys in the cooperative welfare fund.

18 (8) There is hereby created in the state treasury the medicaid stabi-
19 lization fund. Moneys in the medicaid stabilization fund may be transferred
20 only by appropriation to the medicaid expansion fund to pay for the state's
21 share of medical assistance expenses, provided that any moneys transferred
22 by appropriation shall revert to the medicaid stabilization fund if such
23 moneys remain unused at the end of the fiscal year for which they were appro-
24 riated.

25 SECTION 52. That Section [56-209f](#), Idaho Code, be, and the same is hereby
26 repealed.

27 SECTION 53. That Chapter 2, Title 56, 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 56-268, Idaho Code, and to read as follows:

30 56-268. MEDICAID EXPANSION COST ALLOCATION. (1) Beginning on January
31 1, 2020, each county shall be responsible for a portion of the state costs of
32 medicaid expansion authorized under section 56-267, Idaho Code. The depart-
33 ment of health and welfare shall calculate the counties' quarterly assess-
34 ment according to the provisions of this section.

35 (2) By the end of each month following the end of a calendar quarter,
36 the department of health and welfare shall tally the number of individuals
37 enrolled statewide in medicaid pursuant to section 56-267(1), Idaho Code,
38 for that calendar quarter.

39 (3) The department of health and welfare shall calculate the quarterly
40 cost for the counties by multiplying the state tally described in subsection
41 (2) of this section by the projected annual per member cost of the program
42 for the following state fiscal year, then multiplying the result by thirty
43 percent (30%), and then dividing by four (4).

44 (4) Starting in calendar year 2022, the annual per member cost of the
45 program used in subsection (3) of this section shall increase by no more than
46 three percent (3%) per year.

1 (5) The department of health and welfare shall notify the state tax com-
2 mission of the total quarterly cost for all Idaho counties by April 30, 2020,
3 and every three (3) months thereafter.

4 (6) Quarterly assessments for the counties shall be deducted from sales
5 tax revenue distribution sharing pursuant to section 63-3638(10), Idaho
6 Code, nine (9) months following the conclusion of the period assessed. The
7 assessments shall be collected for the first quarter of calendar year 2020
8 beginning on December 31, 2020, and for subsequent quarters shall be col-
9 lected every three (3) months thereafter.

10 (7) (a) Beginning in 2022 and every three (3) years thereafter, the leg-
11 islative services office shall review the funding formula set forth in
12 this section and report to the joint finance-appropriations committee
13 and the senate and house of representatives health and welfare commit-
14 tees no later than January 15 of the following legislative session:

15 (i) Whether the funding sources for medicaid expansion are sus-
16 tainable; and

17 (ii) In the event that a gap exists between current identified
18 funding sources and program demand, other funding options for con-
19 sideration by the joint finance-appropriations committee and the
20 legislature.

21 (b) In order to meet its obligations under paragraph (a) of this subsec-
22 tion, the legislative services office may request assistance from other
23 agencies and may employ a consultant to assist with the review and pro-
24 duction of the report. The legislative services office may include a
25 budget request in the appropriate fiscal year when needed to comply with
26 paragraph (a) of this subsection.

27 SECTION 54. That Section 57-813, Idaho Code, be, and the same is hereby
28 amended to read as follows:

29 57-813. CATASTROPHIC HEALTH CARE COST ACCOUNT. (1) There is hereby
30 created in the state treasury an account to be designated the "Catastrophic
31 Health Care Cost Account." The account shall be used solely for payment of
32 ~~insurance premiums, payment of eligible claims beyond the eleven thousand~~
33 ~~dollar (\$11,000) county deductible~~ or payment of the expenses of administer-
34 ing the catastrophic health care cost account.

35 (2) ~~The administrator of the catastrophic health care cost program may~~
36 ~~retain counsel.~~

37 ~~(3) All moneys placed in the account are hereby perpetually appro-~~
38 ~~riated to the administrator of the catastrophic health care cost program~~
39 ~~subject to appropriation~~ for purposes of this program. All expenditures
40 from the account shall be paid out in warrants drawn by the state controller
41 upon presentation of proper vouchers from the administrator. Pending use,
42 surplus moneys in the account shall be invested by the state treasurer in the
43 same manner as prescribed in section 67-1210, Idaho Code, with respect to
44 surplus or idle moneys in the state treasury. Interest earned on the invest-
45 ments shall be returned to the account.

46 SECTION 55. That Section 63-3638, Idaho Code, be, and the same is hereby
47 amended to read as follows:

1 63-3638. SALES TAX -- DISTRIBUTION. All moneys collected under this
2 chapter, except as may otherwise be required in sections 63-3203, 63-3620F,
3 and 63-3709, Idaho Code, and except as provided in subsection (16) of this
4 section, shall be distributed by the state tax commission as follows:

5 (1) An amount of money shall be distributed to the state refund account
6 sufficient to pay current refund claims. All refunds authorized under this
7 chapter by the state tax commission shall be paid through the state refund
8 account, and those moneys are continuously appropriated.

9 (2) Five million dollars (\$5,000,000) per year is continuously appro-
10 priated and shall be distributed to the permanent building fund, provided by
11 section 57-1108, Idaho Code.

12 (3) Four million eight hundred thousand dollars (\$4,800,000) per year
13 is continuously appropriated and shall be distributed to the water pollution
14 control fund established by section 39-3628, Idaho Code.

15 (4) An amount equal to the sum required to be certified by the chair-
16 man of the Idaho housing and finance association to the state tax commis-
17 sion pursuant to section 67-6211, Idaho Code, in each year is continuously
18 appropriated and shall be paid to any capital reserve fund established by
19 the Idaho housing and finance association pursuant to section 67-6211, Idaho
20 Code. Such amounts, if any, as may be appropriated hereunder to the capital
21 reserve fund of the Idaho housing and finance association shall be repaid for
22 distribution under the provisions of this section, subject to the provisions
23 of section 67-6215, Idaho Code, by the Idaho housing and finance associa-
24 tion, as soon as possible, from any moneys available therefor and in excess
25 of the amounts the association determines will keep it self-supporting.

26 (5) An amount equal to the sum required by the provisions of sections
27 63-709 and 63-717, Idaho Code, after allowance for the amount appropriated
28 by section 63-718(3), Idaho Code, is continuously appropriated and shall be
29 paid as provided by sections 63-709 and 63-717, Idaho Code.

30 (6) An amount required by the provisions of chapter 53, title 33, Idaho
31 Code.

32 (7) An amount required by the provisions of chapter 87, title 67, Idaho
33 Code.

34 (8) For fiscal year 2011 and each fiscal year thereafter, four million
35 one hundred thousand dollars (\$4,100,000), of which two million two hundred
36 thousand dollars (\$2,200,000) shall be distributed to each of the forty-four
37 (44) counties in equal amounts and one million nine hundred thousand dol-
38 lars (\$1,900,000) shall be distributed to the forty-four (44) counties in
39 the proportion that the population of the county bears to the population of
40 the state. For fiscal year 2012 and for each fiscal year thereafter, the
41 amount distributed pursuant to this subsection shall be adjusted annually
42 by the state tax commission in accordance with the consumer price index for
43 all urban consumers (CPI-U) as published by the U.S. department of labor,
44 bureau of labor statistics, but in no fiscal year shall the total amount
45 allocated for counties under this subsection be less than four million one
46 hundred thousand dollars (\$4,100,000). Any increase resulting from the ad-
47 justment required in this section shall be distributed to each county in the
48 proportion that the population of the county bears to the population of the
49 state. Each county shall establish a special election fund to which shall
50 be deposited all revenues received from the distribution pursuant to this

1 subsection. All such revenues shall be used exclusively to defray the costs
2 associated with conducting elections as required of county clerks by the
3 provisions of section 34-1401, Idaho Code.

4 (9) One dollar (\$1.00) on each application for certificate of title
5 or initial application for registration of a motor vehicle, snowmobile,
6 all-terrain vehicle or other vehicle processed by the county assessor or the
7 Idaho transportation department, excepting those applications in which any
8 sales or use taxes due have been previously collected by a retailer, shall be
9 a fee for the services of the assessor of the county or the Idaho transporta-
10 tion department in collecting such taxes and shall be paid into the current
11 expense fund of the county or state highway account established in section
12 40-702, Idaho Code.

13 (10) Eleven and five-tenths percent (11.5%) is continuously appro-
14 priated and shall be distributed to the revenue-sharing account, which is
15 hereby created in the state treasury, and the moneys in the revenue-sharing
16 account will be paid in installments each calendar quarter by the state tax
17 commission as follows:

18 (a) Twenty-eight and two-tenths percent (28.2%) shall be paid to the
19 various cities as follows:

20 (i) Fifty percent (50%) of such amount shall be paid to the vari-
21 ous cities, and each city shall be entitled to an amount in the pro-
22 portion that the population of that city bears to the population of
23 all cities within the state; and

24 (ii) Fifty percent (50%) of such amount shall be paid to the vari-
25 ous cities, and each city shall be entitled to an amount in the pro-
26 portion that the preceding year's market value for assessment pur-
27 poses for that city bears to the preceding year's market value for
28 assessment purposes for all cities within the state.

29 (b) ~~Twenty-eight and two-tenths percent (28.2%) shall be paid to the~~
30 ~~various counties as follows:~~

31 (i) An amount representing the various counties' share of med-
32 icaid expansion cost allocation as determined and reported to the
33 state tax commission pursuant to section 56-268, Idaho Code, shall
34 be distributed to the medicaid stabilization fund created in sec-
35 tion 56-209b, Idaho Code. The distributions shall be made accord-
36 ing to the schedule provided in section 56-268, Idaho Code;

37 (ii) One million three hundred twenty thousand dollars
38 (\$1,320,000) annually shall be distributed one forty-fourth
39 (1/44) to each of the various counties; and

40 (iii) The balance of such amount shall be paid to the various coun-
41 ties, and each county shall be entitled to an amount in the propor-
42 tion that the population of that county bears to the population of
43 the state;

44 (c) Thirty-five and nine-tenths percent (35.9%) of the amount appro-
45 priated in this subsection shall be paid to the several counties for
46 distribution to the cities and counties as follows:

47 (i) Each city and county ~~which~~ that received a payment under the
48 provisions of section 63-3638(e), Idaho Code, during the fourth
49 quarter of calendar year 1999, shall be entitled to a like amount
50 during succeeding calendar quarters.

1 (ii) If the dollar amount of money available under this subsection
2 (10) (c) in any quarter does not equal the amount paid in the fourth
3 quarter of calendar year 1999, each city's and county's payment
4 shall be reduced proportionately.

5 (iii) If the dollar amount of money available under this subsec-
6 tion (10) (c) in any quarter exceeds the amount paid in the fourth
7 quarter of calendar year 1999, each city and county shall be en-
8 titled to a proportionately increased payment, but such increase
9 shall not exceed one hundred five percent (105%) of the total pay-
10 ment made in the fourth quarter of calendar year 1999.

11 (iv) If the dollar amount of money available under this subsection
12 (10) (c) in any quarter exceeds one hundred five percent (105%) of
13 the total payment made in the fourth quarter of calendar year 1999,
14 any amount over and above such one hundred five percent (105%)
15 shall be paid fifty percent (50%) to the various cities in the pro-
16 portion that the population of the city bears to the population of
17 all cities within the state and fifty percent (50%) to the various
18 counties in the proportion that the population of the county bears
19 to the population of the state; and

20 (d) Seven and seven-tenths percent (7.7%) of the amount appropriated in
21 this subsection shall be paid to the several counties for distribution
22 to special purpose taxing districts as follows:

23 (i) Each such district ~~which~~ that received a payment under the
24 provisions of section 63-3638 (e), Idaho Code, as such subsection
25 existed immediately prior to July 1, 2000, during the fourth quar-
26 ter of calendar year 1999, shall be entitled to a like amount dur-
27 ing succeeding calendar quarters.

28 (ii) If the dollar amount of money available under this subsec-
29 tion (10) (d) in any quarter does not equal the amount paid in the
30 fourth quarter of calendar year 1999, each special purpose taxing
31 district's payment shall be reduced proportionately.

32 (iii) If the dollar amount of money available under this subsec-
33 tion (10) (d) in any quarter exceeds the amount distributed under
34 paragraph (i) of this subsection (10) (d), each special purpose
35 taxing district shall be entitled to a share of the excess based on
36 the proportion each such district's current property tax budget
37 bears to the sum of the current property tax budgets of all such
38 districts in the state. The state tax commission shall calculate
39 district current property tax budgets to include any unrecovered
40 forgone amounts as determined under section 63-802(1) (e), Idaho
41 Code. When a special purpose taxing district is situated in more
42 than one (1) county, the state tax commission shall determine the
43 portion attributable to the special purpose taxing district from
44 each county in which it is situated.

45 (iv) If special purpose taxing districts are consolidated, the
46 resulting district is entitled to a base amount equal to the sum of
47 the base amounts received in the last calendar quarter by each dis-
48 trict prior to the consolidation.

49 (v) If a special purpose taxing district is dissolved or disin-
50 corporated, the state tax commission shall continuously distrib-

1 ute to the board of county commissioners an amount equal to the
2 last quarter's distribution prior to dissolution or disincorpora-
3 tion. The board of county commissioners shall determine any re-
4 distribution of moneys so received.

5 (vi) Taxing districts formed after January 1, 2001, are not enti-
6 tled to a payment under the provisions of this subsection (10) (d) .

7 (vii) For purposes of this subsection (10) (d) , a special purpose
8 taxing district is any taxing district that is not a city, a county
9 or a school district.

10 (11) Amounts calculated in accordance with section 2, chapter 356, laws
11 of 2001, for annual distribution to counties and other taxing districts be-
12 ginning in October 2001 for replacement of property tax on farm machinery and
13 equipment exempted pursuant to section 63-602EE, Idaho Code. For nonschool
14 districts, the state tax commission shall distribute one-fourth (1/4) of
15 this amount certified quarterly to each county. For school districts, the
16 state tax commission shall distribute one-fourth (1/4) of the amount certi-
17 fied quarterly to each school district. For nonschool districts, the county
18 auditor shall distribute to each district within thirty (30) calendar days
19 from receipt of moneys from the state tax commission. Moneys received by
20 each taxing district for replacement shall be utilized in the same manner
21 and in the same proportions as revenues from property taxation. The moneys
22 remitted to the county treasurer for replacement of property exempt from
23 taxation pursuant to section 63-602EE, Idaho Code, may be considered by the
24 counties and other taxing districts and budgeted at the same time, in the
25 same manner and in the same year as revenues from taxation on personal prop-
26 erty which these moneys replace. If taxing districts are consolidated, the
27 resulting district is entitled to an amount equal to the sum of the amounts
28 received in the last calendar quarter by each district pursuant to this
29 subsection prior to the consolidation. If a taxing district is dissolved
30 or disincorporated, the state tax commission shall continuously distribute
31 to the board of county commissioners an amount equal to the last quarter's
32 distribution prior to dissolution or disincorporation. The board of county
33 commissioners shall determine any redistribution of moneys so received. If
34 a taxing district annexes territory, the distribution of moneys received
35 pursuant to this subsection shall be unaffected. Taxing districts formed
36 after January 1, 2001, are not entitled to a payment under the provisions
37 of this subsection. School districts shall receive an amount determined by
38 multiplying the sum of the year 2000 school district levy minus .004 times
39 the market value on December 31, 2000, in the district of the property exempt
40 from taxation pursuant to section 63-602EE, Idaho Code, provided that the
41 result of these calculations shall not be less than zero (0) . The result of
42 these school district calculations shall be further increased by six per-
43 cent (6%) . For purposes of the limitation provided by section 63-802, Idaho
44 Code, moneys received pursuant to this section as property tax replacement
45 for property exempt from taxation pursuant to section 63-602EE, Idaho Code,
46 shall be treated as property tax revenues.

47 (12) Amounts necessary to pay refunds as provided in section 63-3641,
48 Idaho Code, to a developer of a retail complex shall be remitted to the demon-
49 stration pilot project fund created in section 63-3641, Idaho Code.

1 (13) Amounts calculated in accordance with subsection (4) of section
2 63-602KK, Idaho Code, for annual distribution to counties and other taxing
3 districts for replacement of property tax on personal property tax exemp-
4 tions pursuant to subsection (2) of section 63-602KK, Idaho Code, which
5 amounts are continuously appropriated unless the legislature enacts a dif-
6 ferent appropriation for a particular fiscal year. For purposes of the
7 limitation provided by section 63-802, Idaho Code, moneys received pursuant
8 to this section as property tax replacement for property exempt from taxa-
9 tion pursuant to section 63-602KK, Idaho Code, shall be treated as property
10 tax revenues. If taxing districts are consolidated, the resulting district
11 is entitled to an amount equal to the sum of the amounts that were received in
12 the last calendar year by each district pursuant to this subsection prior to
13 the consolidation. If a taxing district or revenue allocation area annexes
14 territory, the distribution of moneys received pursuant to this subsection
15 shall be unaffected. Taxing districts and revenue allocation areas formed
16 after January 1, 2013, are not entitled to a payment under the provisions of
17 this subsection.

18 (14) Amounts collected from purchasers and paid to the state of Idaho by
19 retailers that are not engaged in business in this state and which retailer
20 would not have been required to collect the sales tax, less amounts other-
21 wise distributed in subsections (1) and (10) of this section, shall be dis-
22 tributed to the tax relief fund created in section 57-811, Idaho Code. The
23 state tax commission will determine the amounts to be distributed under this
24 subsection.

25 (15) Any moneys remaining over and above those necessary to meet and
26 reserve for payments under other subsections of this section shall be dis-
27 tributed to the general fund.

28 (16) One percent (1%), but not less than fifteen million dollars
29 (\$15,000,000), is continuously appropriated and shall be distributed to the
30 transportation expansion and congestion mitigation fund established in sec-
31 tion 40-720, Idaho Code. The distribution provided for in this subsection
32 must immediately follow the distribution provided for in subsection (10) of
33 this section.

34 SECTION 56. That Section 66-327, Idaho Code, be, and the same is hereby
35 amended to read as follows:

36 66-327. RESPONSIBILITY FOR COSTS OF COMMITMENT AND CARE OF PA-
37 TIENTS. (a~~1~~) All costs associated with the commitment proceedings, includ-
38 ing fees of designated examiners, transportation costs and all medical,
39 psychiatric and hospital costs not included in subsection (e~~3~~) of this
40 section, shall be the responsibility of the person subject to judicial pro-
41 ceedings authorized by this chapter or such person's spouse, ~~adult children,~~
42 or, if ~~indigent~~ unable to pay all or any of the costs, the county of such
43 person's residence after all personal, family and third-party resources,
44 including medical assistance provided under the state plan for medicaid as
45 authorized by title XIX of the social security act, as amended, are consid-
46 ered. In proceedings authorized by this chapter, the court shall consider
47 ~~the indigency of persons subject to proceedings authorized by this chapter,~~
48 ~~in light of~~ such person's income and resources, and if such person is able to
49 pay all or part of such costs, the court shall order such person to pay all

1 or any part of such costs. If the court determines such person is unable to
2 pay all or any part of such costs pursuant to section 66-327A, Idaho Code,
3 the court shall fix responsibility, ~~in accordance with the provisions of~~
4 ~~chapter 35, title 31, Idaho Code,~~ for payment of such costs on the county of
5 such person's residence to the extent not paid by such person or not covered
6 by third-party resources, including medical assistance as aforesaid. The
7 amount of payment by a county shall be the medicaid rate, or pursuant to the
8 provisions of any contract between a provider and an obligated county, or if
9 the facility providing the services is a freestanding mental health facil-
10 ity, then the reimbursement rate will be the medicaid rate, for a hospital
11 as defined by section 39-1301(a), Idaho Code, that provides services within
12 the nearest proximity of the mental health facility. Such costs fixed by the
13 court shall be based upon the time services were provided.

14 (b~~2~~) An order of commitment pursuant to the provisions of this section
15 shall be sufficient to require the release of all pertinent information re-
16 lated to the committed person, to the court and obligated county, within the
17 restrictions of all applicable federal and state laws.

18 (e~~3~~) The department of health and welfare shall assume responsibil-
19 ity for costs after the involuntary patient is committed to the custody of
20 the state of Idaho, beginning on the day after the director receives no-
21 tice that a person has been committed into the custody of the department,
22 until the involuntary patient is discharged and after all personal, fam-
23 ily and third-party resources are considered in accordance with section
24 66-354, Idaho Code. The counties shall be responsible for mental health
25 costs as defined in subsection (a~~1~~) of this section if the individual is not
26 transported within twenty-four (24) hours of receiving written notice of
27 admission availability to a state facility. For purposes of this section,
28 "costs" shall include routine board, room and support services rendered at a
29 facility of the department of health and welfare; routine physical, medical,
30 psychological and psychiatric examination and testing; group and individ-
31 ual therapy, psychiatric treatment, medication and medical care ~~which that~~
32 can be provided at a facility of the department of health and welfare. The
33 term "costs" shall not include neurological evaluation, CAT scan, surgery,
34 medical treatment, any other item or service not provided at a facility of
35 the department of health and welfare, or witness fees and expenses for court
36 appearances. For the purposes of this section, the notice to the department
37 may be faxed or mailed.

38 (4) Following approval by the centers for medicare and medicaid ser-
39 VICES of any waivers to the state plan that allow Idaho to access federal med-
40 icaid funding for institutions for mental diseases for individuals eligible
41 for medicaid under section 56-267, Idaho Code, no county shall be respon-
42 sible for costs incurred under this chapter for persons whose modified ad-
43 justed gross income is at or below one hundred thirty-three percent (133%) of
44 the federal poverty level as described in section 56-267, Idaho Code.

45 SECTION 57. That Chapter 3, Title 66, Idaho Code, be, and the same is
46 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
47 ignated as Section 66-327A, Idaho Code, and to read as follows:

1 66-327A. COSTS OF OBLIGATED COUNTY. The following criteria shall be
2 used by the court in determining if a person is unable to pay all or any part
3 of costs and the county that is responsible for such costs:

4 (1) A person is unable to pay all or part of costs if the person who, if
5 an adult, together with the person's spouse, or guardian if a dependent, does
6 not have income and other resources available to him. For purposes of this
7 section, "resources" means all property for which a person, if an adult, to-
8 gether with the person's spouse, or guardian if a dependent, may be eligible
9 or in which the person may have an interest, whether tangible or intangible,
10 real or personal, liquid or nonliquid, or pending, including but not lim-
11 ited to all forms of public assistance, crime victims compensation, worker's
12 compensation, veterans benefits, medicaid, medicare, supplemental security
13 income (SSI), third-party insurance, other insurance, or under section 1011
14 of the medicare modernization act of 2003, if applicable, and any other prop-
15 erty from any source. "Resources" shall include the ability of a person, if
16 an adult, together with the person's spouse, or guardian if a dependent, to
17 pay costs, excluding any interest charges, over a period of up to five (5)
18 years starting on the date services are first provided.

19 (2) The county obligated for payment shall be determined as follows:

20 (a) The last county in which the person or head of the person's house-
21 hold has maintained a residence for six (6) consecutive months or longer
22 within the past five (5) years preceding incurrence shall be obligated.
23 If the person or head of household maintains another residence in a dif-
24 ferent county or state for purposes of employment, the county where the
25 family residence is maintained shall be deemed the person's or head of
26 household's place of residence;

27 (b) If an individual has not resided in any county for a period of six
28 (6) months within the five (5) years preceding incurrence of medical
29 costs for which counties have a responsibility in whole or in part,
30 then the county where the applicant maintained a residence for at least
31 thirty (30) days immediately preceding such incurrence shall be the
32 obligated county;

33 (c) Active duty in the United States armed forces or admission as a pa-
34 tient in a hospital, nursing home, or other medical facility or institu-
35 tion shall not change the obligated county. The obligated county shall
36 remain the same county that would have been obligated prior to active
37 duty or admission;

38 (d) For full-time students at public institutions of higher education,
39 the obligated county shall be the county of residence of the person, un-
40 less an obligated person for whom the applicant is claimed as a depen-
41 dent resides in another county or state; and

42 (e) If an individual has not resided in any county for a consecutive pe-
43 riod of thirty (30) days but has resided in the state of Idaho for a con-
44 secutive period of thirty (30) days, then the county where the individ-
45 ual last resided prior to receiving medical services shall be the obli-
46 gated county.

47 SECTION 58. That Section 67-2302, Idaho Code, be, and the same is hereby
48 amended to read as follows:

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

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

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

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

22 (5) All proper deliveries and completed services shall be received or
23 accepted promptly, and proper receiving and acceptance reports shall be for-
24 warding to payment offices within five (5) working days of delivery of goods
25 or completion of service.

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

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

31 (8) Unpaid interest penalties owed to a vendor shall compound each
32 month.

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

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

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

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

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

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

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

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

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

27 (18) Whenever a vendor brings formal administrative action or judicial
28 action to collect interest due under this section, should the vendor pre-
29 vail, the state or taxing district is required to pay any reasonable attor-
30 ney's fees awarded.

31 (19) Where the date of payment to vendors is contingent on the receipt
32 of federal funds or federal approval, the solicitation of bids for contracts
33 and any contracts awarded shall clearly state that payment is contingent on
34 such conditions.

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

38 SECTION 59. That Section 67-7903, Idaho Code, be, and the same is hereby
39 amended to read as follows:

40 67-7903. VERIFICATION OF LAWFUL PRESENCE -- EXCEPTIONS -- REPORT-
41 ING. (1) Except as otherwise provided in subsection (3) of this section or
42 where exempted by federal law, each agency or political subdivision of this
43 state shall verify the lawful presence in the United States of each natural
44 person eighteen (18) years of age or older who applies for state or local
45 public benefits or for federal public benefits for the applicant.

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

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

- 1 (a) For any purpose for which lawful presence in the United States is
 2 not required by law, ordinance or rule;
- 3 (b) For obtaining health care items and services that are necessary for
 4 the treatment of an emergency medical condition of the person involved
 5 and are not related to an organ transplant procedure;
- 6 (c) For short-term, noncash, in-kind emergency disaster relief;
- 7 (d) For public health assistance for immunizations with respect to im-
 8 munizable diseases and testing and treatment of symptoms of communica-
 9 ble diseases whether or not such symptoms are caused by a communicable
 10 disease;
- 11 (e) For programs, services or assistance, such as soup kitchens, crisis
 12 counseling and intervention and short-term shelter specified by fed-
 13 eral law or regulation that:
- 14 (i) Deliver in-kind services at the community level, including
 15 services through public or private nonprofit agencies;
- 16 (ii) Do not condition the provision of assistance, the amount of
 17 assistance provided or the cost of assistance provided on the in-
 18 dividual recipient's income or resources; and
- 19 (iii) Are necessary for the protection of life or public safety;
- 20 (f) For prenatal care;
- 21 (g) For postnatal care not to exceed twelve (12) months; or
- 22 (h) For food assistance for a dependent child under eighteen (18) years
 23 of age.

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

- 27 (4) An agency or a political subdivision shall verify the lawful pres-
 28 ence in the United States of each applicant eighteen (18) years of age or
 29 older for federal public benefits or state or local public benefits by:
- 30 (a) Employing electronic means to verify an applicant is legally
 31 present in the United States; or
- 32 (b) Requiring the applicant to provide:
- 33 (i) An Idaho driver's license or an Idaho identification card
 34 issued pursuant to section 49-2444, Idaho Code;
- 35 (ii) A valid driver's license or similar document issued for the
 36 purpose of identification by another state or territory of the
 37 United States, if such license or document contains a photograph
 38 of the individual or such other personal identifying information
 39 relating to the individual that the director of the department of
 40 health and welfare or, with regard to unemployment compensation
 41 benefits, the director of the department of labor finds, by rule,
 42 sufficient for purposes of this section;
- 43 (iii) A United States military card or a military dependent's
 44 identification card;
- 45 (iv) A United States coast guard merchant mariner card;
- 46 (v) A native American tribal document;
- 47 (vi) A copy of an executive office of immigration review, immi-
 48 gration judge or board of immigration appeals decision, granting
 49 asylee status;

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

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

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

12 (x) A valid United States passport; and

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

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

18 (i) The applicant is a United States citizen or legal permanent
 19 resident; or

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

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

27 (6) For an applicant who has attested pursuant to subsection (4) (d) of
 28 this section stating that the applicant is an alien lawfully present in the
 29 United States, verification of lawful presence for federal public benefits
 30 or state or local public benefits shall be made through the federal system-
 31 atic alien verification of entitlement program, which may be referred to as
 32 the "SAVE" program, operated by the United States department of homeland se-
 33 curity or a successor program designated by the United States department of
 34 homeland security. Until such verification of lawful presence is made, the
 35 attestation may be presumed to be proof of lawful presence for purposes of
 36 this section.

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

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

48 (c) A person who knowingly makes a false, fictitious or fraudulent
 49 statement or representation in an attestation executed pursuant to sub-
 50 section (4) (d) or ~~(6)~~ paragraph (b) of this subsection or who knowingly

1 provides a social security number that has not been assigned to him pur-
2 suant to subsection (4) (c) of this section shall be:

3 (i) Guilty of a misdemeanor for the first and second offense; and

4 (ii) Guilty of a felony for each subsequent offense.

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

10 SECTION 60. That Section 72-1003, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 72-1003. DEFINITIONS. As used in this chapter:

13 (1) "Claimant" means any of the following claiming compensation under
14 this chapter:

15 (a) A victim;

16 (b) A dependent of a deceased victim; or

17 (c) An authorized person acting on behalf of any of them, including par-
18 ent(s), legal guardian(s), and sibling(s), of a victim who is a minor.

19 (2) "Collateral source" means a source of benefits, other than welfare
20 benefits, or advantages for economic loss otherwise compensable under this
21 chapter ~~which that~~ the claimant has received or ~~which that~~ is readily avail-
22 able to him from:

23 (a) The offender;

24 (b) The government of the United States or any agency thereof, a state
25 or any of its political subdivisions, or an instrumentality of two (2)
26 or more states, unless the law providing for the benefits or advantages
27 makes them excess or secondary to benefits under this chapter;

28 (c) Social security, medicare, and medicaid;

29 (d) Worker's compensation;

30 (e) Wage continuation programs of any employer;

31 (f) Proceeds of a contract of insurance payable to the claimant for loss
32 ~~which that~~ was sustained because of the criminally injurious conduct;
33 or

34 (g) A contract, including an insurance contract, providing hospital
35 and other health care services or benefits for disability. Any such
36 contract in this state may not provide that benefits under this chapter
37 shall be a substitute for benefits under the contract or that the con-
38 tract is a secondary source of benefits and benefits under this chapter
39 are a primary source.

40 (3) "Commission" means the industrial commission.

41 (4) "Criminally injurious conduct" means intentional, knowing, or
42 reckless conduct that:

43 (a) Occurs or is attempted in this state or occurs outside the state of
44 Idaho against a resident of the state of Idaho and ~~which that~~ occurred
45 in a state ~~which that~~ does not have a crime victims compensation pro-
46 gram for which the victim is eligible as eligibility is set forth in this
47 statute;

48 (b) Constitutes an act of terrorism, as defined by 18 U.S.C. 2331, com-
49 mitted outside the United States against a resident of this state;

1 (c) Results in injury or death; and

2 (d) Is punishable by fine, imprisonment, or death or would be so punish-
3 able but for the fact that the person engaging in the conduct lacked ca-
4 pacity to commit the crime under the laws of this state. Criminally in-
5 jurious conduct does not include conduct arising out of the ownership,
6 maintenance, or use of a motor vehicle except when intended to cause
7 personal injury or death; provided that criminally injurious conduct
8 shall include violations of the provisions of section 18-4006 3(b),
9 18-8004, 18-8006, 18-8007, 67-7027, 67-7034 or 67-7035, Idaho Code.

10 (5) "Dependent" means a natural person who is recognized under the law
11 of this state to be wholly or partially dependent upon the victim for care or
12 support and includes a child if under the age of eighteen (18) years or inca-
13 pable of self-support and unmarried and includes a child of the victim con-
14 ceived before the victim's death but born after the victim's death, includ-
15 ing a child that is conceived as a result of the criminally injurious con-
16 duct.

17 (6) "Extenuating circumstances" means that a victim requires further
18 mental health treatment due to trauma arising out of covered criminal con-
19 duct in order to perform major life functions or the activities of daily liv-
20 ing.

21 (7) "Injury" means actual bodily harm or disfigurement and, with re-
22 spect to a victim, includes pregnancy, venereal disease, mental or nervous
23 shock, or extreme mental distress. For the purposes of this chapter, "ex-
24 treme mental distress" means a substantial personal disorder of emotional
25 processes, thought or cognition ~~which that~~ impairs judgment, behavior or
26 ability to cope with the ordinary demands of life.

27 (8) "Victim" means a person who suffers injury or death as a result of:

28 (a) Criminally injurious conduct;

29 (b) His good faith effort to prevent criminally injurious conduct; or

30 (c) His good faith effort to apprehend a person reasonably suspected of
31 engaging in criminally injurious conduct.

32 ~~(9) "Welfare benefits" as used in subsection (2) of this section, shall~~
33 ~~include sums payable to or on behalf of an indigent person under chapter 35,~~
34 ~~title 31, Idaho Code.~~

35 SECTION 61. That Section 31-3503B, Idaho Code, be, and the same is
36 hereby amended to read as follows:

37 31-3503B. RECIPROCAL AGREEMENTS -- OUT-OF-STATE TREATMENT. (1) The
38 governor of the state of Idaho or his or her designee is empowered to negoti-
39 ate reciprocal agreements with other states for the provision of necessary
40 medical services for residents of this and other states.

41 (2) No payment shall be made for necessary medical services to an
42 out-of-state provider unless a reciprocal agreement has been entered into
43 by the governor of this state, or unless contracted for pursuant to sections
44 ~~31-3520 and 31-3522~~, Idaho Code.

45 SECTION 62. An emergency existing therefor, which emergency is hereby
46 declared to exist, Sections 1, 3 through 5, 8, 50, 51, 53, 55, 56, and 57 of
47 this act shall be in full force and effect on and after passage and approval.

1 SECTION 63. Section 16 of this act shall be in full force and effect on
2 and after July 1, 2020.

3 SECTION 64. Sections 2, 6, 7, 9 through 15, 17 through 49, 52, 54, and 58
4 through 61 of this act shall be in full force and effect on and after July 1,
5 2021.