

TITLE 31  
COUNTIES AND COUNTY LAW

CHAPTER 35  
HOSPITALS FOR INDIGENT SICK

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

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 to section repealed, ch. 233, sec. 1, p. 553; am. 1991, ch. 233, sec. 8, p. 558; am. 1993, ch. 112, sec. 2, p. 285; am. 1995, ch. 9, sec. 1, p. 14; am. 1995, ch. 82, sec. 5, p.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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31-3504. JOINT COUNTY HOSPITALS. Recognizing the need of hospitals for the public welfare and the burden for one (1) county to finance the cost of such construction, operation and maintenance thereof within its own boundaries under certain circumstances, the county commissioners in their

respective counties shall have the power to jointly and severally enter into contracts or agreements with one (1) or more adjoining counties to construct, operate and maintain joint county hospitals, either within or without the boundaries of such counties, upon a finding of each such county commissioners that there is a public necessity requiring the financing of such hospital facilities jointly with one (1) or more adjoining counties. The county commissioners shall have the same powers to operate, finance and bond for such joint county hospitals as they would have for a county hospital.

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

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

The county commissioners shall be governed in calling and holding such election and in the issuance and sale of such bonds, and in the providing for the payment of the principal and interest thereon by the provisions of [chapter 19, title 31](#), Idaho Code, and by the provisions of [chapter 2, title 57](#), Idaho Code; provided, however, that when such bonds have been issued and sold and a period of two (2) years or more has elapsed from the date of sale of said bonds and for any reason the proceeds from the sale of said bonds or other moneys appropriated for the purpose for which said bonds were issued, have not been used for the purpose for which they were appropriated or said bond issue made, the county commissioners may, with the written consent of all of the bondholders first having been obtained, submit to the qualified electors, as herein defined, the question of spending such moneys for a definite purpose. The purpose for which it is decided to spend such moneys shall

be clearly and plainly stated on the ballot. If a majority of the qualified electors shall vote in favor of spending such moneys for the purpose stated, the county commissioners shall proceed in the same manner as if such different purpose had been the original purpose for such bond issue or appropriation. Provided, further that if less than a majority of the qualified electors shall vote in favor of spending such moneys for such different purpose, or if no such election should be had, when all of the bonds shall have been retired, such excess moneys shall be placed in the general fund.

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

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

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

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

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

31-3507. LEASE OR SALE. Such counties acting through their county commissioners shall have the right to lease such hospitals upon such terms and for such a length of time as they may decide, or to sell the same; provided, however, that no such lease or sale, except those leases entered into between such counties and the Idaho health facilities authority as provided in section [31-836](#), Idaho Code, shall be final or valid unless and until it has been approved by a majority of the qualified electors of said county voting on such question at an election held subject to the provisions of section [34-106](#), Idaho Code; except if a hospital district has been created under the

provisions of [chapter 13, title 39](#), Idaho Code, county commissioners shall have the right to lease, as provided in section [31-836](#), Idaho Code, such hospitals within a created hospital district to the hospital district without submitting the question of lease or sale to the qualified electors of the county or the respective hospital district.

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

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

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

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

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

(2) If any hospital which has been conveyed pursuant to this section ceases to be used as a nonprofit hospital, unless the premises so conveyed are sold and the proceeds used to erect or enlarge another nonprofit hos-

pital for the county, the hospital so conveyed reverts to the ownership of the county. If any hospital which has been leased pursuant to this section ceases to be used as a nonprofit hospital, the lease shall terminate.

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

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

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

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

31-3517. ESTABLISHMENT OF A CATASTROPHIC HEALTH CARE COST PROGRAM. [EFFECTIVE UNTIL JULY 1, 2023] (1) The governing board of the catastrophic health care cost program created by the counties pursuant to a joint exercise of powers agreement, dated October 1, 1984, and serving on June 30, 1991, is hereby continued as such through December 31, 1992, to complete the affairs of the board, to continue to pay for those medical costs incurred by participating counties prior to October 1, 1991, until all costs are paid or the moneys in the catastrophic health care cost account contributed by participating counties are exhausted, and to pay the balance of such contributions back to the county of origin in the proportion contributed. County responsibility shall be limited to the first eleven thousand dollars (\$11,000) per claim. The remainder of the eligible costs of the claim shall be paid by the state catastrophic health care cost program.

(2) Commencing October 1, 1991, a catastrophic health care cost program board is hereby established for the purpose of administering the catastrophic health care cost program. This board shall consist of twelve (12) members, with six (6) county commissioners, one (1) from each of the six (6) districts or regions established by the Idaho association of counties, four (4) members of the legislature, with one (1) each being appointed by the president pro tempore of the senate, the leader of the minority party of the senate, the speaker of the house of representatives and the leader of the minority party of the house of representatives, one (1) member appointed by the director of the department and one (1) member appointed by the governor.

(a) The county commissioner members shall be elected by the county commissioners of the member counties of each district or region, with each board of county commissioners entitled to one (1) vote. The process and procedures for conducting the election and determining the members shall be determined by the board itself, except that the election must be conducted, completed and results certified by December 31 of each year in which an election for members is conducted. The board recognized in subsection (1) of this section shall authorize and conduct the election in 1991.

(b) The term of office of a member shall be two (2) years, commencing on January 1 next following election or appointment, except that for commissioner members elected in 1991, the commissioner members from districts or regions 1, 3 and 5 shall serve for a term of one (1) year, and the commissioner members from districts or regions 2, 4 and 6 shall serve for a term of two (2) years. Members may be reelected or reappointed. Election or appointment to fill vacancies shall be for the balance of the unexpired term.

(c) The board shall have an executive committee consisting of the chair, vice chair, secretary and such other members of the board as determined by the board. The executive committee may exercise such authority as may be delegated to it by the board between meetings.

(d) The member appointed by the governor shall be reimbursed as provided in section [59-509\(b\)](#), Idaho Code, from the catastrophic health care cost account.

(3) The board shall meet at least once each year at the time and place fixed by the chair. Other necessary meetings may be called by the chair by giving notice as may be required by state statute or rule. Notice of all meetings shall be given in the manner prescribed by law.

(4) Except as may otherwise be provided, a majority of the board constitutes a quorum for all purposes, and the majority vote of the members voting shall constitute the action of the board. The secretary of the board shall take and maintain the minutes of board proceedings. Meetings shall be open and public except the board may meet in closed session to prepare, approve and administer applications submitted to the board for approval by the respective counties.

(5) At the first meeting of the board in January of each year, the board shall organize by electing a chair, a vice chair, a secretary and such other officers as desired.

(6) All moneys received or expended by the program shall be audited annually by a certified public accountant, designated by the governing board, who shall furnish a copy of such audit to the director of legislative services.

(7) The board shall submit a request to the governor and the legislature in accordance with the provisions of [chapter 35, title 67](#), Idaho Code, for an appropriation for the maintenance and operation of the catastrophic health care cost program.

[31-3517, added 1982, ch. 190, sec. 3, p. 511; repealed 1990, ch. 87, sec. 1, p. 553; reinstated and am. 1991, ch. 233, sec. 11, p. 559; am. 1992, ch. 266, sec. 1, p. 821; am. 1993, ch. 387, sec. 4, p. 1419; am. 1995, ch. 9, sec. 2, p. 14; am. 2009, ch. 177, sec. 16, p. 570; am. 2010, ch. 273, sec. 27, p. 708; am. 2011, ch. 174, sec. 1, p. 495; am. 2011, ch. 291, sec. 22, p. 809; am. 2020, ch. 82, sec. 33, p. 203.]

31-3518. ADMINISTRATIVE RESPONSIBILITY. [EFFECTIVE UNTIL JULY 1, 2023] (1) The board shall, in order to facilitate payment to providers participating in the county medically indigent program and the catastrophic health care cost program, have on file the reimbursement rates allowed for all participating providers of medical care and authorized by this chapter. However, in no event shall the amount to be paid exceed the usual, reasonable, and customary charges for the area.

(2) The board may contract with independent contractors to provide services to manage and operate the catastrophic health care cost program, or the

board may contract for or appoint agents, employees, professional personnel and any other personnel to manage and operate the catastrophic health care cost program.

(3) The board shall develop rules for the catastrophic health care cost program after consulting with the counties, organizations representing the counties, health care providers, hospitals and organizations representing health care providers and hospitals.

(4) The board shall submit all proposed rules to the legislative council for review prior to adoption, in a manner substantially the same as proposed executive agency rules are reviewed under [chapter 52, title 67](#), Idaho Code. Following adoption, the board shall submit all adopted rules to the legislature for review in a manner substantially the same as adopted executive agency rules are reviewed under [chapter 52, title 67](#), Idaho Code. The legislature, by concurrent resolution, may modify, amend, or repeal any rule of the board.

[31-3518, added 1982, ch. 190, sec. 4, p. 511; am. 1983, ch. 215, sec. 5, p. 594; repealed 1990, ch. 87, sec. 1, p. 553; reinstated and am. 1991, ch. 233, sec. 12, p. 560; am. 2009, ch. 177, sec. 17, p. 571; am. 2010, ch. 273, sec. 28, p. 709; am. 2011, ch. 291, sec. 23, p. 810.]

31-3519. APPROVAL AND PAYMENT BY THE BOARD. [EFFECTIVE UNTIL JULY 1, 2023] (1) Upon receipt of the clerk's statement, a final determination of the county commissioners and the completed application, the board shall approve an application for financial assistance under the catastrophic health care cost program if it determines that:

(a) Necessary medical services have been provided for a medically indigent resident in accordance with this chapter;

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

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

(2) Payment to a hospital or provider pursuant to this chapter shall be payment of the debt in full and the hospital or provider shall not seek additional funds from the applicant.

(3) In no event shall the board be obligated to pay a claim, pursuant to this chapter, in excess of an amount based on the application of the appropriate reimbursement rate to those medical services determined to be necessary medical services. The board may use contractors to undertake utilization management review in any part of that analysis.

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

[31-3519, added 1982, ch. 190, sec. 5, p. 511; repealed 1990, ch. 87, sec. 1, p. 553; reinstated and am. 1991, ch. 233, sec. 13, p. 561; am. 1995, ch. 9, sec. 3, p. 16; am. 1996, ch. 410, sec. 24, p. 1371; am. 2009, ch. 177, sec. 18, p. 572; am. 2010, ch. 273, sec. 29, p. 709; am. 2011, ch. 291, sec. 24, p. 811.]

31-3520. CONTRACT FOR PROVISION OF NECESSARY MEDICAL SERVICES FOR THE MEDICALLY INDIGENT. [EFFECTIVE UNTIL JULY 1, 2023] The county commissioners in their respective counties, may contract for the provision of necessary



medical services to the medically indigent and may, by ordinance, limit the provision of and payment for nonemergency necessary medical services to a contract provider. They shall require the contractor to enter into a bond to the county with two (2) or more approved sureties, in such sum as the county commissioners may fix, conditioned for the faithful performance of his duties and obligations as such contractor, and require him to report to the county commissioners quarterly all persons committed to his charge, showing the expense attendant upon their care and maintenance.

[31-3520, added 1992, ch. 83, sec. 6, p. 264; am. 1996, ch. 410, sec. 25, p. 1371; am. 2010, ch. 273, sec. 30, p. 710; am. 2011, ch. 291, sec. 25, p. 812.]

31-3521. EMPLOYMENT OF PHYSICIAN. [EFFECTIVE UNTIL JULY 1, 2023] The county commissioners may employ a physician to attend, when necessary, the patients of the county hospital, provided however, that the county commissioners may enter into contracts with groups of licensed physicians for medical attendance upon patients of the county hospital or other persons receiving medical attendance at county expense. They may provide for the employment, at some kind of manual labor, of such of the patients as are capable and able to work and the attending physicians must certify to the person in charge or lessee of the county hospital the names of such of the patients as are incapable of manual labor, and when any such patient becomes capable the physician shall certify that fact.

[31-3521, added 1992, ch. 83, sec. 6, p. 264; am. 2010, ch. 273, sec. 31, p. 710.]

31-3550. DECLARATION OF PUBLIC POLICY. [EFFECTIVE UNTIL JULY 1, 2023] It is the declaration of the legislature to be in the public interest to encourage nonlitigation resolution of claims between the counties and health providers of the state of Idaho by providing for prelitigation screening of such claims contesting indigent resource eligibility by a hearing panel as provided in this chapter.

[(31-3550) 31-A3501, as added by 1982, ch. 189, sec. 1, p. 509; am. and redesig. 2005, ch. 25, sec. 40, p. 98.]

31-3551. ADVISORY PANEL FOR PRELITIGATION CONSIDERATION OF INDIGENT RESOURCE ELIGIBILITY CLAIMS -- PROCEDURE. [EFFECTIVE UNTIL JULY 1, 2023] The counties in the state of Idaho and the health providers furnishing care to eligible medically indigent persons, as defined in section [31-3502](#), Idaho Code, are directed to cooperate in providing an advisory panel in the nature of a special civil grand jury and procedure for prelitigation consideration of claims arising out of contested resource availability of persons applying for indigent relief under the provisions of [chapter 35, title 31](#), Idaho Code, which proceedings shall be informal and nonbinding, but nevertheless compulsory as a condition precedent to litigation. Proceedings conducted or maintained under the authority of this chapter shall be subject to disclosure according to [chapter 1, title 74](#), Idaho Code. Formal rules of evidence shall not apply and all such proceedings shall be expeditious and informal. The panel, thus created, will render opinions where the resource eligibility of applicants, as herein described, has been contested.

[(31-3551) 31-A3502, added 1982, ch. 189, sec. 1, p. 509; am. 1990, ch. 213, sec. 28, p. 480; am. and redesign. 2005, ch. 25, sec. 41, p. 99; am. 2015, ch. 141, sec. 56, p. 420.]

31-3552. APPOINTMENT AND COMPOSITION OF ADVISORY PANEL. [EFFECTIVE UNTIL JULY 1, 2023] The panel will consist of three (3) members to be designated as follows: the chairman of the panel shall be an appointed designee by and of the director of the department of health and welfare of the state of Idaho, and must be without bias or conflict of interest; one (1) member will be appointed by and represent the Idaho association of counties; and one (1) member will be appointed by and represent the Idaho hospital association. All panelists shall serve under oath that they are without bias or conflict of interest as respects any matter under consideration.

[(31-3552) 31-A3503, as added by 1982, ch. 189, sec. 1, p. 509; am. and redesign. 2005, ch. 25, sec. 42, p. 99.]

31-3553. ADVISORY DECISIONS OF PANEL. [EFFECTIVE UNTIL JULY 1, 2023] The general responsibility of the advisory panel will be to consider the eligibility of applicants on claims referred to them and render written opinions regarding such eligibility of applicants as based upon review of analysis of the resources available to the applicant, as defined in section [31-3502](#), Idaho Code. Following proceedings on each claim, the advisory panel shall provide the affected parties with its comments and observations with respect to the claim. They shall indicate in such comments whether the applicant appears to have resources available to him or her sufficient to pay for necessary medical services; does not have adequate resources; or any comments or observations which may be relevant and appropriate. The findings of the advisory panel may be used by affected parties in resolving contested claims in a manner consistent with the findings presented. However, such findings will be advisory in nature only and not binding on any of the affected parties.

[(31-3553) 31-A3504, as added by 1982, ch. 189, sec. 1, p. 509; am. 2004, ch. 300, sec. 3, p. 840; am. and redesign. 2005, ch. 25, sec. 43, p. 99; am. 2009, ch. 177, sec. 19, p. 572.]

31-3554. TOLLING OF LIMITATION PERIODS DURING PENDENCY OF PROCEEDINGS. [EFFECTIVE UNTIL JULY 1, 2023] There shall be no judicial or other review or appeal of such matters. No party shall be obligated to comply with or otherwise be affected or prejudiced by the proposals, conclusions or suggestions of the panel or any member or segment thereof; however, in the interest of due consideration being given to such proceedings and in the interest of encouraging consideration of claims informally and without the necessity of litigation, the applicable statute of limitations shall be tolled and not deemed to run during the time that such a claim is pending before the panel and for thirty (30) days thereafter.

[(31-3554) 31-A3505, as added by 1982, ch. 189, sec. 1, p. 509; am. and redesign. 2005, ch. 25, sec. 44, p. 100.]

31-3555. STAY OF COURT PROCEEDINGS IN INTEREST OF HEARING BEFORE PANEL. [EFFECTIVE UNTIL JULY 1, 2023] During said thirty (30) day period neither party shall commence or prosecute litigation involving the issues submitted

to the panel and the district or other courts having jurisdiction of any such pending claims shall stay proceedings in the interest of the conduct of such proceedings before the panel.

[(31-3555) 31-A3506, as added by 1982, ch. 189, sec. 1, p. 509; am. and redesign. 2005, ch. 25, sec. 45, p. 100.]

31-3556. EXPENSES FOR ADVISORY PANEL MEMBERS. [EFFECTIVE UNTIL JULY 1, 2023] Expenses incurred by the members of the advisory panel in the performance of their duties will be borne by the respective organizations making the appointment.

[(31-3556) 31-A3507, as added by 1982, ch. 189, sec. 1, p. 509; am. and redesign. 2005, ch. 25, sec. 46, p. 100.]

31-3557. FREQUENCY OF AND AGENDA FOR MEETINGS. [EFFECTIVE UNTIL JULY 1, 2023] Frequency of and agenda for meetings of the advisory panel will be subject to the discretion of the chair, based upon criteria to be established by the members of the panel. However, there shall be no more than four (4) meetings of the panel per year.

[(31-3557) 31-A3508, as added by 1982, ch. 189, sec. 1, p. 509; am. and redesign. 2005, ch. 25, sec. 47, p. 100.]

31-3558. NONDISCLOSURE OF PERSONAL IDENTIFYING INFORMATION. [EFFECTIVE UNTIL JULY 1, 2023] Personal identifying information about a particular utilization management reviewer or practitioner engaged by the department or the board shall not be disclosed without the prior written authorization of the reviewer or practitioner. Notwithstanding this nondisclosure of personal identifying information, redacted copies of all reports and recommendations of the department's or the board's utilization management reviewers or practitioners shall be maintained in the official record of the respective county commissioners and the board as described in [chapter 52, title 67](#), Idaho Code, and [chapter 15, title 31](#), Idaho Code.

[31-3558, added 2011, ch. 291, sec. 26, p. 812.]