

LAKE COUNTY POOR RELIEF GUIDELINES

Adopted by the Lake County Commission

Effective September 7, 2016

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SECTION 1: STATEMENT OF PURPOSE

The County Board of Commissioners recognizes its legal responsibility to provide assistance to the indigent persons of the County under SDCL 28-13.

Further, as specified in State Law (SDCL 10-12; 7-8-20(7)), the County realizes the fiscal limitations of its tax base and any other resources available for the provision of assistance to the indigent.

The County resolves to administer its Poor Relief Program equitably and efficiently to provide the necessary resources to those most in need. Accordingly, the County promulgates these written guidelines to insure a fair and equitable method for distribution of relief to the indigent.

To assure the efficient and equitable allocation of the County's Poor Relief resources, limited by the determined property tax base, program requirements/limitations are necessary with respect to the total amount of Poor Relief available and the amount available in each category of relief. Such requirements/limitations are set forth in the sections which follow. However, for good cause shown, the County reserves the right to make exceptions.

These guidelines are intended to be used in conjunction with state and/or federal statutes. In the event of any conflict, state and/or federal statute shall supersede.

SECTION 2: DEFINITIONS

Unless context requires otherwise, if a term used in these guidelines has been defined in SDCL 28-13, these guidelines adopt those definitions.

Additional terms used throughout these guidelines are defined as follows:

- (A) “Actual Cost of Hospitalization”: The actual cost to a hospital of providing hospital services to a medically indigent person, determined by applying the ratios of costs to charges appearing on the statement of costs required in SDCL 28-13-28 to charges at the hospital in effect at the time the hospital services are provided.
- (B) “Applicant”: The person seeking relief, the person for whom relief is sought by a hospital for “emergency hospital services” as that term is defined in SDCL 28-13-27, or the person on whose behalf relief is sought by a representative.
- (C) “Assistance”: Relief. (The terms assistance and relief are used interchangeably throughout the guidelines.)
- (D) “Board”: The Board of County Commissioners
- (E) “County”: Lake County, including any office or individual(s) designated by the Board to administer the Poor Relief Program in the county
- (F) “Emergency Hospital Services”: Treatment in the most appropriate hospital available to meet the emergency need. The physician, physician assistant, or nurse practitioner on duty or on call at the hospital must determine whether the individual requires emergency hospital care. The need for emergency hospital care is established if the absence of emergency care is expected to result in death, additional serious jeopardy to the individual’s health, serious impairment to the individual’s bodily functions, or serious dysfunction of any bodily organ or part. The term does not include care for which treatment is available and routinely provided in a clinic or physician’s office.
- (G) “Hospital”: Any hospital licensed as such by the state in which it’s located.
- (H) “Household”: The applicant, minor children living with the applicant, and anyone else living with the applicant to whom the applicant has the legal right to look for support.
- (I) “Indigent”: Any person who is determined to be indigent according to SDCL 28-13 and the criteria set forth in these guidelines.
- (J) “Nonemergency care”: Hospitalization which is medically necessary and recommended by a physician licensed under SDCL Chapter 36-4 but does not require immediate care or attention.

(K) "Recipient": The person receiving relief under these guidelines

(L) "Resident": Any person who has established residency in the county, as residency is defined in SDCL 28-13-2 to 28-13-16.2, inclusive.

(M) "Resources": Current assets and income and all financial support to which a recipient is legally entitled or could procure through reasonable efforts including health insurance which was available to applicant prior to a need for such insurance.

SECTION 3: GENERAL ADMINISTRATION

- (A) PUBLIC ACCESS TO GUIDELINES. A copy of the current guidelines will be on file with the County Auditor for public review and inspection during normal business hours. The County may make them available via other means, such as posting them on the County website.
- (B) REVIEW OF GUIDELINES. The guidelines are subject to periodic review and may be changed by the Board. Any changes made shall take effect prospectively.
- (C) CONFIDENTIALITY. Information given by or concerning any applicant or recipient of assistance shall be considered confidential. Such information shall not be publicly divulged by the County, except:
1. Upon written authorization of the applicant or recipient;
 2. Upon appropriate order from a court;
 3. To other public officials for whom such information is necessary in the performance of their official duties;
 4. When the safety of an individual is at risk or a person or society is threatened; or
 5. As otherwise provided by state or federal law.

These guidelines shall not be construed to impair the access of the public to any record required to be available for public inspection by state law.

- (D) NON-DISCRIMINATION. The County shall not discriminate among applicants for, or recipients of assistance on the basis of the individuals' race, color, creed, religion, sex, ancestry, national origin, handicap, marital status, sexual orientation, age, or any other characteristic afforded protection by Federal or State laws. Reasonable access shall be provided to applicants with a disability.
- (E) RESOURCE OF LAST RESORT: County assistance shall be a resource of last resort, available only after all other personal resources, governmental programs, insurance benefits, family assistance, or other aid have been exhausted.
- (F) CONTINUING ASSISTANCE. County assistance is not a program of general assistance on a continuing basis and each request for assistance is considered a one-time request. Any additional assistance will be made only upon a new request and application or recertification of a prior application. Optional assistance provided by the County may only be granted one (1) time during a twelve (12) month period.

(G) OBLIGATION IN THE PRESENCE OF PUBLIC ASSISTANCE. The County shall consider all other forms of public assistance/benefits (Federal and State) in determining eligibility. The receipt of federal, state, or other assistance/benefits (such as, but not limited to Social Security) may be considered satisfaction, in whole, of the County's obligation under SDCL 28-13.

(H) CONDITIONS OF COUNTY ASSISTANCE: The following conditions may be made a part of any grant of assistance:

1. WORKFARE. When assistance is granted, the applicant may be required to perform labor or other services of public nature commensurate with the amount of assistance granted. (SDCL 28-13-20)
2. CONTRACT TO REPAY. When assistance is granted, the County may enter into an agreement for repayment of assistance under the terms and conditions the County deems appropriate. Any agreement may be evidenced by a note or contract. (SDCL 28-13-20)
3. LIENS. When assistance is granted, the lien provisions of SDCL 28-14 apply. In accordance with SDCL 28-14-15, the County shall be entitled to enter into agreements for the satisfaction or compromise of such liens, and it shall only release such liens under circumstance which the County deems appropriate.
4. JOB CONTACTS. Applicants and recipients for assistance may be required to attempt to secure employment and verify attempts that have been made to obtain employment.
5. CHILD SUPPORT. Applicants are to be identifying and securing all financial assistance options, including child support.

(I) DISQUALIFICATIONS: Assistance may be denied or terminated for any of the following reasons:

1. The person has knowingly made a false statement, with intent to defraud, as to his/her financial status or other required information, or in any way has intentionally deceived the County in order to receive assistance. (SDCL 28-13-16.2)
2. The person assigned or transferred property at any time before or after making application for purposes of becoming eligible for assistance. (SDCL 28-13-43)
3. The person has failed to responsibly perform the duties set forth in these Guidelines.

4. The person has refused without just cause to report for work required as a condition of assistance or has failed to comply with any other requirements made as a condition of assistance. The County may bring an action to recover any or all assistance obtained under improper qualifications.
5. Applicants who quit their job without good cause will not be eligible for county assistance for three (3) months from the receipt of the last paycheck or until they find a job that is equal in pay to the job they left. Good cause for refusing or quitting employment is limited to the reasons found in SDCL 61-6-13.1.

(J) EMERGENCY RELIEF. An emergency need is a need relating to the health or well-being of an individual and of such an immediate nature that the time ordinarily needed to follow standard procedures for relief would endanger such person. In case of an emergency need, as hereinafter defined, the County shall be empowered to authorize relief to any person who appears to be otherwise eligible for assistance. In an emergency situation, an interview and application form may be completed by phone. A request for relief based on an emergency need may be made by contacting the County.

(K) NONRESIDENTS IN DISTRESS/TEMPORARY ASSISTANCE. Regardless of actual residency, but upon proper showing of need, temporary assistance may be granted as the nature of the case may require for a period not to exceed thirty (30) days. Temporary assistance may be awarded in any amount up to, but not exceeding, the assistance that would otherwise be available under ordinary eligibility. All temporary assistance shall cease upon a showing of ordinary eligibility.

(L) SUBROGATION. When assistance is provided under this program or under the laws of this state to any person who subsequently becomes eligible for benefits from another program or source, any retroactive benefits provided from such other program or source must be repaid in full.

(M) REIMBURSEMENT. The Board shall exercise its right to reimbursement for the relief provided to anyone pursuant to SDCL 28-13.

(N) APPEAL. An appeal to the circuit court of the Board's decision on an application for assistance may be taken pursuant to SDCL 28-13-40.

(O) SEVERABILITY. If any provision of these guidelines and rules, or the application of the same, is held to be invalid by a competent court, the remainder, to the extent reasonably possible, shall remain in full force and effect.

SECTION 4: APPLICATION PROCESS

The applicant must complete an application for assistance. If the applicant is a minor or legally declared incompetent person, the application must be completed by a parent or legal guardian.

In addition to completing the application form, the applicant must:

- (1) Provide accurate, complete, and current information relevant to the applicant's resources, income, and expenses
- (2) Provide documentation to verify the applicant's resources, income, and expenses
- (3) Provide the location of next of kin or other lawfully responsible persons for support of the applicant
- (4) Provide acceptable identification (preferably a valid driver's license), social security number and other identifying information necessary to facilitate the placing of a lien pursuant to SDCL 28-14. (If the applicant is unable to produce the required identification, the County may extend temporary assistance, not to exceed thirty (30) days, while the necessary identification is procured, but not continuing assistance will not be provided without appropriate identification.)
- (5) Sign a release of medical information (if requesting medical assistance), release of financial information, a general release of information, and an employment verification form
- (6) Apply for and use other available resources known or made known to the applicant which may reduce or eliminate the need for relief if the applicant is eligible for such alternative benefits or resources
- (7) Attempt to secure employment and verify attempts that have been made to obtain employment, if requested
- (8) Notify the County of any changes in circumstances which may affect eligibility
- (9) Comply with the County on any reasonable investigation to determine eligibility

The applicant is responsible for reporting all of the facts necessary to determine eligibility and notify the County of any material changes in circumstances which may affect eligibility. The application is not considered complete until all facts necessary to determine eligibility have been provided.

The County will review the application. The County may interview the applicant. An investigation may be conducted to verify the information that has been reported. The investigation may take place prior to, during, or after the applicant's receipt of relief. The applicant or recipient must cooperate with the interview and any reasonable investigation. If the applicant fails to cooperate with the application process, the County may consider the application withdrawn.

Throughout the application process, the County is available to assist the applicant in understanding the eligibility requirements, the type of assistance available to eligible applicants and recipients as noted in SDCL 28-13, other programs of assistance or service for which the applicant may qualify, and the implications of a lien being placed, pursuant to SDCL 28-14, on property owned by the applicant for any financial assistance given.

The County will make a decision and give written notice concerning the applicant's eligibility in a timely manner. Applicants should receive notice of the County's decision within thirty (30) days after the County completes its application review, which would include any investigation or information gathering.

SECTION 5: ECONOMIC ASSISTANCE (Housing, Utilities, Food, Transportation, Burial/Funeral)

1. ELIGIBILITY

The eligibility for each applicant shall be based on the following general principles:

(A) **INDIGENCY:** Before receiving any assistance, each applicant must be determined indigent as required by SDCL 28-13. This determination is made by examining the applicant's total economic resources (including current assets and income) and total economic needs. Wherever appropriate (i.e., where there exists a legal duty of support among family members), that determination shall also include a review of family size, total family economic resources, and total family economic needs. (SDCL 28-13-1.2)

(B) **INCOME AND RESOURCES.** In order to qualify for assistance, each applicant must satisfy the following criteria simultaneously, subject to the conditions explained under each:

1. Ownership of personal property with a fair market value of \$10,000 for a family or \$5,000 for an individual or real estate held as a personal homestead exceeding \$60,000 in equity may disqualify an applicant from receiving County assistance.
2. The County, in computing the total value of the individual resources owned, shall consider all property presently owned according to the amount of equity presently accessible to said owner at the time of application, regardless of whether or not such property may be exempt from process under South Dakota law. Such ownership includes items such as real and personal property (except the homestead as previously set out), investments property, royalties, contract claims, insurance and retirement benefits, motor and recreational vehicles, personal household goods and furnishings, and any other assets with monetary value.
3. The County shall also consider all other forms of public assistance already vested in the applicant such as federal and state housing subsidies up to the amount the client would be eligible to receive from the County. Such assistance may be considered either as an individual resource or as personal income, whichever is more appropriate; however, such assistance may not be doubly counted. The receipt of monthly federal or state assistance may satisfy any obligation the County has under SDCL 28-13.
 - a. The County will not provide assistance if the applicant has failed to comply with mandated regulations from any state or federal program or any other program that is available as a resource for the assistance which the applicant is requesting. If an applicant does not comply with the regulations established by state and federal programs or other available programs and because of that non-compliance is denied help from said programs, the applicant will not be considered to be indigent of resources and county assistance will be denied.

The County may make an exception from this policy if the individual is facing an emergency situation that may result in death or serious injury to the individual.

b. In cases where an individual is sanctioned by another agency and applies for assistance that is not available from the sanctioning agency, the County may consider that request separately.

c. If an applicant is eligible, the assistance provided may not exceed in value the difference between the applicant's actual income for the month under consideration and the minimum eligibility income standards contained in Appendix A.

4. The County will use the income guidelines based upon the Federal Poverty Standard (Appendix A). No applicant may have gross monthly income in excess of the amounts shown in Appendix A and be eligible for assistance. Appendix A will be automatically updated per release of new Federal Poverty Standards.

(C) RESIDENCY. In order to qualify for assistance, each applicant must prove county residency by demonstrating personal presence in a fixed, permanent abode with intent to remain there, in conformity with SDCL 28-13-3 or as otherwise provided by state law. Once legally established, residency shall continue until it is lost by establishing residency in another state or county. (SDCL 28-13-8)

Children shall have the same residency as their parents, the party granted their legal custody pursuant to court order or decree, or as fixed by their guardian. (SDCL 28-13-5)

Residency is not established by residence in a health care facility. (SDCL 28-13-14)

An applicant who is living in the county for the express purpose of attending a post-secondary educational program is not considered a resident of the county. A student may be considered a county resident if the student otherwise establishes residency within the county, is not claimed on the parents' income tax, and is not living in a dorm setting.

The County may request the following information in order to verify residency:

1. Proof of identification by providing a photo ID (government issued) and Social Security card.
2. If the applicant is not a citizen of the United States, they shall present their passport and/or documentation of their legal status in the U.S. (Applicants who have been sponsored into the U.S., whereby that sponsor has attested that they are financially responsible for the applicant, will be denied assistance for five years.)

3. Proof of establishment of a local bank account, automobile registration, voter registration, enrollment of applicant's children in a local school (absence of any of the above considerations shall not be a positive determination of nonresidency)

(D) UNEMPLOYMENT. In the absence of emergency conditions, applicants who refuse or quit employment, without cause, are ineligible for assistance for a period of thirty (30) days from the receipt of the last paycheck. Cause for refusing or quitting employment is limited to the reasons found in SDCL 61-6-9.1.

2. TYPES OF ASSISTANCE

(A) HOUSING ASSISTANCE. Housing assistance must be "reasonable" to the needs and income of the household. Housing assistance is available to a household for one month's rent/mortgage per twelve-month period. Housing assistance is available in limited amounts and will be available only to clients who have exhausted all resources and have no other resources available. The purpose of housing assistance is to give the applicant an additional 30 days residency in the home. Applicants must apply for low-income housing or South Dakota Housing Rental Assistance Programs before the County may assist with housing assistance.

The maximum housing assistance supplement, per household, shall not exceed the following, excluding utilities:

1-2 Person Household	\$300.00
3-5 Person Household	\$400.00
6+ Person Household	\$500.00

Assistance will not be granted for the following:

1. Rental application fees
2. Rental and/or security deposits;
3. Rent paid to immediate family members;
4. Rent for a minor child who is living outside their parents'/guardians' home;
5. Rent for residents of subsidized housing, except those applicants who pay a minimum rent regardless of their income;
6. Rent for a garage; and
7. Late fees or attorney fees

(B) UTILITIES ASSISTANCE. Assistance for utilities may be provided when notice of termination has been given by a utility company or energy supplier. Utility assistance is available in limited amounts and will be available only to applicants who have exhausted all resources (TANF, LIEP, ECIP, utility checks from Housing). Applicants must apply for Energy Assistance/Weatherization through the Office of Energy Assistance in Pierre, South Dakota before the County may assist with utility assistance.

A maximum of \$420 per twelve-month period may be approved.

The County may, in direct negotiation with such company or supplier, pay for the applicant's actual arrearages, but will not be responsible for the deposit, late fees, reconnect fees, or utility bills that were accrued at a prior residence.

(C) FOOD ASSISTANCE. Applicants for emergency food requests must apply for benefits available under the Federal SNAP program before the County may assist with food assistance. As partial or full satisfaction of an applicant's need for food assistance, the applicant may be referred to any available public or private food program.

The maximum food assistance granted will be based on SNAP allowances.

(D) TRANSPORTATION ASSISTANCE. The County may provide assistance with transportation (gas) only when the applicant has a verifiable emergency (death or severe illness) within the immediate family and only if no other form of transportation is available.

The maximum transportation assistance granted is up to 20 gallons of gasoline and 3 quarts of oil.

(E) BURIAL/FUNERAL ASSISTANCE. When an indigent person dies, the County has a responsibility for burial. SDCL 34-26-16 states that when a person is married, duty of burial falls to the husband or wife. If there is not a husband or wife, duty falls to kindred being of adult age. If there is no kindred, responsibility falls to the County. Family with sufficient means to defray the cost of burial will not be considered for county assistance. If no family accepts responsibility, a friend of the deceased may apply for burial assistance per SDCL 34-26A-2. The authorization for cremation will be the same as burial.

Per SDCL 28-17-2, whenever any person who is destitute and has no estate, and has no one legally bound for funeral expenses, and where there is no other source to pay the cost of burial expense, the funeral expenses shall then be borne by the County of which the deceased was a resident at the time of death, and if no residence can be fixed, then by the County in which the death occurred.

In determining eligibility for assistance on the costs of burial or cremation, the ability of the surviving family members to pay the burial or cremation cost will be the determinant for the county assistance rather than the indigence of the deceased. Surviving spouse or parent of a minor child will be subject to a lien for the burial/cremation/funeral expenses.

The County must authorize payment before the funeral service.

The selection of an appropriate funeral home may be determined by the decedent prior to death, the decedent's family, or by another person legally entitled to make such decisions.

In providing standard funeral services, the funeral home shall:

1. Provide for the removal of the body from the hospital, home or institution to the funeral home
2. Provide for the professional care of the remains to include cremating the remains or embalming (unless objected to by the family), cosmetology, minor restorative work, dressing, and casketing the remains
3. Allow use of the funeral home facilities for a funeral service if needed
4. Assure one public notice is given of the death and when funeral services will be held
5. Provide an opportunity for viewing of the body, as appropriate (viewing of the remains shall not be prohibited simply because the decedent was indigent)
6. Transport the body and casket by funeral coach to local cemetery
7. Provide a statement to the County listing the date of publication, itemizing the services and merchandise provided

For those County residents who die in a state of indigence or who are otherwise qualified under SDCL 28-17, the County may provide assistance for burial and funeral expenses of \$2,250 maximum, plus the invoice cost of opening and closing the grave, the cost of a concrete grave liner if required by cemeteries at invoice cost, and allow incidental expenses to include mileage, but not to exceed \$400 per funeral. Casket costs will be included in the costs of the service as set forth above.

For those County residents who die in a state of indigence or who are otherwise qualified under SDCL 28-17, the County may provide assistance for cremation without services and burial expense of \$1,200 maximum; cremation with a service and burial expense of \$1,500 maximum, plus the invoice cost of opening and closing of the grave, the cost of grave liner if required by cemeteries at invoice cost, and allow incidental expenses to include mileage, but not to exceed \$400 per cremation funeral. Urn costs will be included in the costs of the service as set forth above.

In order to receive reimbursement for invoice costs or incidental expenses, the applicant shall provide copies of itemized invoices and receipts.

The County will not supplement any of the costs of the funeral services or be obligated for any more than is set out in this section. A funeral approved by the County excludes the following: tent at cemetery; gratuities; memorial cards; clothing costs; flowers; more than one visitation event; funeral dinners or lunches; pastor, organist, or soloist fees; grave marker or head stone; and adjoining plots for other family members for future use.

When the decedent has a death benefit paid on his or her behalf, savings, assets, payments from Veteran's Administration or Social Security or other source, such amount shall be assigned or remitted to the County. The responsibility for the recovery of such assets, etc. shall be upon the County.

Payment by the County for the approved funeral expenses to the funeral home represents payment in full and no further claims may be made against the County or the applicants/representatives of the deceased.

Section 6: MEDICAL ASSISTANCE

1. Eligibility

The eligibility for each applicant shall be based on the following general principles:

(A) MEDICAL INDIGENCY. Medical indigence shall be determined in accordance with SDCL 28-13.

No medical assistance shall be provided unless the person is qualified as “indigent” both at the time of admission to the hospital and at the time of application for assistance. If the applicant is indigent, but later achieves self-sufficiency and a capacity to meet obligations as they become due, assistance shall be awarded in light of that later capacity.

EXCEPTIONS TO MEDICAL INDIGENCY:

1. Bankruptcy: The fact that an individual has filed a petition in bankruptcy or has received a discharge in bankruptcy under Title 11 of the United States Code is not admissible evidence in a proceeding under this chapter and may not be considered in making a determination of indigence. (SDCL 28-13-44)
2. Transfer of Assets. If an applicant has voluntarily reduced or eliminated ownership or control of an asset for the purpose of establishing eligibility, or if the applicant has assigned or transferred any property for the purpose of establishing eligibility, the applicant is not medically indigent. The County may look back to the 60-month period immediately prior to the onset of the applicant’s illness and continue through the period of time for which the applicant is requesting services. (SDCL 28-13-43)
3. Indigent by Design. If the applicant is indigent by design, the applicant is not medically indigent. (SDCL 28-13-1.3) The applicant is ineligible for medical assistance and no other criteria may be used to determine eligibility. (SDCL 28-13-32.10)
4. Veteran or Native American. If an applicant is a veteran or a member of a Native American tribe who is eligible or would have been eligible for services through the veterans administration or the Indian Health Service if the services had been applied for within 72 hours of the person’s admission, the individual is not medically indigent. (SDCL 28-13-1.3)
5. Billing for Care of Medically Indigent Patients: If submitting a bill to a county for medically necessary hospital services provided on behalf of a person who is medically indigent, the hospital must first demonstrate that it has exhausted all avenues of payment including accepting reasonable monthly payments from the person who does not have the ability to pay the hospital in one lump sum at the time of discharge. (SDCL 28-13-33.2)

(B) RESIDENCY. In order to qualify for assistance, each applicant must prove county residency by demonstrating personal presence in a fixed, permanent abode with intent to remain there, in conformity with SDCL 28-13-3 or as otherwise provided by state law. Once legally established, residency shall continue until it is lost by establishing residency in another state or county. (SDCL 28-13-8)

When an applicant moves to the county from another county in South Dakota, medical costs for the new resident will be the responsibility of the county from which the applicant moved for the first sixty days. (SDCL 28-14-2.1)

Children shall have the same residency as their parents, the party granted their legal custody pursuant to court order or decree, or as fixed by their guardian. (SDCL 28-13-5)

Residency is not established by residence in a health care facility. (SDCL 28-13-14)

An applicant who is living in the county for the express purpose of attending a post-secondary educational program is not considered a resident of the county. A student may be considered a county resident if the student otherwise establishes residency within the county, is not claimed on the parents' income tax, and is not living in a dorm setting.

The hospital or care-provider is expected to make an initial determination of the residency of any applicant given emergency medical assistance. The hospital or care provider is responsible for notifying the County pursuant to SDCL 28-13-34.1; however, the County reserves the right to review and re-determine that initial decision.

The County may request the following information in order to verify residency:

1. Proof of identification by providing a photo ID (government issued) and Social Security card.
2. If the applicant is not a citizen of the United States, they shall present their passport and/or documentation of their legal status in the U.S. (Applicants who have been sponsored into the U.S., whereby that sponsor has attested that they are financially responsible for the applicant, will be denied assistance for five years.)
3. Proof of establishment of a local bank account, automobile registration, voter registration, enrollment of applicant's children in a local school (absence of any of the above considerations shall not be a positive determination of nonresidency)

(C) INCOME AND RESOURCES. For emergency hospital services, the County will follow state statutes, which includes guidance on determining a person's ability to pay, to determine financial eligibility.

For all other medical assistance requests, financial eligibility shall be made by examining the applicant's total resources (including current assets and income) and total economic needs. Wherever appropriate (i.e., where there exists a legal duty of support among family members), that determination shall also include a review of family size, total family economic resources, and total family economic needs. (SDCL 28-13-1.2) The County will use the income guidelines based upon the Federal Poverty Standard (Appendix A). No applicant may have gross monthly income in excess of the amounts shown in Appendix A and be eligible for assistance. Appendix A will be automatically updated per release of new Federal Poverty Standards.

(D) OTHER RESOURCES/ASSISTANCE. No medical assistance will be provided when an applicant is eligible for care through other resources such as Medicare, Medicaid (CHIP), Veterans Administration, Public or Indian Health Service, or insurance. Applicants may be required to apply for assistance through other resources. The County does not pay deductibles, coinsurance or admission charges associated with Medicare approved rates, payments, and treatment.

2. Types of Assistance.

(A) EMERGENCY HOSPITAL SERVICES. Hospital services are defined in SDCL 28-13 as either "emergency" or "nonemergency" services. The hospital is entitled to reimbursement from the County for emergency hospital services for the expenses that are beyond the applicant's ability to pay if certain conditions are met.

1. Eligibility Requirements. See above.
2. Emergency Services. The hospital services received must constitute emergency services.
3. Medically Necessary. The services provided must be medically necessary.
4. Hospital Responsibilities.
 - a. Notice. The hospital is required to notify the patient's county of residence within 15 days of an emergency admission. The notice must comply with SDCL 28-13-34.1.
 - b. Release of Information. A release of information should be included with the Notice of Hospitalization. The release must be signed by the patient or the patient's authorized representative and must authorize the release of necessary information to the county of residence. The hospital must make every reasonable effort to secure the release from the patient and include it with the notice. The form must authorize the County to obtain pertinent information concerning the recipient and other household members to assist in determining eligibility. (SDCL 28-13-34.2)
 - c. Application. An application must be made with the County either by the patient needing assistance or by the hospital on behalf of the patient. An application made by a hospital must be submitted within one (1) year of the discharge date and comply with SDCL 28-13-32.4.

- d. Payments. The hospital must demonstrate to the County that it has exhausted all avenues of payment, including accepting reasonable monthly payments from the patient.
5. Application. An application must be made with the County either by the patient needing assistance or by the hospital on behalf of the patient. An application made by the patient or someone acting on behalf of the patient must be completed within two years of the date of discharge. (SDCL 28-13-32.3)

(B) Except for the costs of emergency hospital services, a county may adopt guidelines which define the amount, scope, and duration of medical and remedial services available to eligible persons. (SDCL 28-13-27.2) The County is not mandated to cover these types of medical assistance. The following types of medical assistance require approval by the County before the services are provided or the claim may be ineligible.

1. NONEMERGENCY HOSPITAL SERVICES. Nonemergency hospital services are defined in SDCL 28-13. In the case of nonemergency hospital services, the County is liable only to the extent that the Board, in good faith, approves an application before the nonemergency hospital services are provided. If nonemergency hospital services are provided before the County approval for payment is made, the claim may be ineligible for payment from the County. (SDCL 28-13-33)
2. PHYSICIAN EXPENSES AND AUXILIARY MEDICAL EXPENSES. The County may consider a request for assistance in paying for physician or auxiliary expenses.
3. MEDICAL EQUIPMENT. The County may consider a request for assistance in paying for the rental or purchase of medical equipment if the equipment is medically necessary and has been prescribed by a physician. Retroactive payment for purchase/rental shall not be made. Equipment not on Medicaid's approved list will not be covered by the County.
4. MEDICATIONS. The County may consider a request for assistance in paying for medically prescribed drugs or over-the-counter medications ordered by a physician. The County will not pay for drugs not approved by the FDA. Generic drugs must be used unless otherwise prescribed by a physician. The County may pay prescription costs at current Medicaid rates. A maximum 30-day supply will be approved by the County at one time. The amount paid by the County to the vendor is payment in full and no additional fee can be collected from the applicant. The County will notify the pharmacies of any eligible applicants and the amount of assistance.
5. HEALTH INSURANCE PREMIUM. In some cases, it may be beneficial for the County to pay the applicant's health insurance premium. The County may consider this request on a case by case basis.

6. HOME HEALTH SERVICES. The County may consider a request for assistance if home health services are available to the applicant as an alternative to institutionalization or hospitalization. If the cost of home health services is projected to exceed the cost of care if the individual was institutionalized or hospitalized, the County will recommend inpatient care.
7. DENTAL CARE. Assistance will not be provided for routine dental care. Applicants must apply for dental care assistance from other charitable organizations that offer such services. The County may consider, on a case by case basis, an application for an individual that must have work done on their teeth before certain medical or surgical procedures can be completed (common for heart, cancer, and transplant patients).
8. ORGAN TRANSPLANT AND EXTRA ORDINARY CARE. Assistance for care related to an organ transplant will not be considered unless the applicant establishes the following:
 - a. That the same care is available to non-indigent residents of the county. This may be established by the receipt of letters from three insurance companies doing business in the state verifying that insurance coverage is available for such care.
 - b. That the care will not jeopardize the funding of health care services already available within the county.
 - c. That the care is reasonable and necessary.
 - d. That the care provider has determined that the individual in need of the organ transplant is medically, psychologically, and socially qualified to receive the transplant according to the criteria established by the care provider.
 - e. That there is a reasonable expectation that there will be a significant improvement in the individual's duration or quality of life as a result of the transplant.
9. EXPERIMENTAL PROCEDURES. The County is not liable for the payment of any experimental procedures or experimental modes of treatment provided on behalf of a medically indigent person. (SDCL 28-13-32.10)
10. CHILDBIRTH. All costs related to the birth of a child are the responsibility of the parents. The County is not liable for the costs of the medical care related to the birth of a child or the costs related to miscarriage or delivery by caesarean section. There are many programs available to indigents expecting a child, and the County encourages individuals to use those programs.
11. EYE CARE. Lake County does not cover costs for eye care. Applicants must apply for eye care assistance from other charitable organizations that offer such services. The County will not pay for contacts, sunglasses, or tinted lenses.

3. Medical Specific Guidelines.

(A) **PAYMENTS FOR EMERGENCY HOSPITAL SERVICES.** The amount of reimbursement that a hospital may request from the County may not exceed the actual cost of hospitalization as defined by SDCL 28-13 or an amount established by the secretary of the Department of Social Services based on the Medicaid payment methodology, whichever is less. (SDCL 28-13-29)

The amount of the County's obligation is determined by subtracting the amount of the household's ability to pay from the hospital charges computed according to SDCL 28-13-29. The household is responsible for payment of its share of the hospital bill. (SDCL 28-13-32.9)

Nothing precludes a hospital and a county from entering into a reasonable and suitable arrangement, contract, or agreement for hospitalization of medically indigent persons at other rates. Acceptance of county payment represents payment in full for charges claimed even if payment is less than the actual charge. If payment is accepted, no further claims can be made against the County or the recipient.

(B) **PAYMENTS FOR ALL ADDITIONAL REQUESTS FOR MEDICAL ASSISTANCE.** The County is not bound by statute for a specific payment method and reserves the right to make partial payment of said expenses, as circumstances may dictate. The amount of reimbursement may be made at the Medicaid rates, the County may negotiate for a straight percentage reduction, or the County and the provider may enter into a reasonable and suitable arrangement, contract, or agreement for payment.. Acceptance of county payment represents payment in full for charges claimed even if payment is less than the actual charge. If payment is accepted, no further claims can be made against the County or the recipient.

(C) **CATASTROPHIC FUND.** The County will participate in the Catastrophic County Poor Relief Program, administered by the South Dakota Association of County Commissioners.

(D) **RIGHT TO REVIEW.** The County may review the need for emergency room treatment, an admission, a transfer, a continued stay, or inpatient surgical services. At its option, the County may request the Department of Social Services to provide the needed review on the County's behalf. In either case, the review shall be conducted by or under the supervision of a physician licensed under Chapter 36-4 and shall be consistent with generally accepted medical practice guidelines. (SDCL 28-13-37.1)

A county may request the services of Medicaid Utilization Review Process to determine payment rates, extended length stay, experimental procedures, and medically necessary hospital services. The determination made by the Medicaid Utilization Review is not binding upon the County.

(E) RIGHT TO ALTERNATIVE CARE. In any case of hospitalization of a medically indigent person, the County, through any elected officer or through an employee, may arrange for adequate and suitable care of the person elsewhere. If the County notifies the hospital in writing of its arrangement for the removal of the medically indigent person and the hospital unreasonably fails or refuses to cooperate in effecting the change, the County is not liable for any hospitalization subsequent to the hospital's failure or refusal to cooperate (SDCL 28-13-35)

Appendix A - Federal Poverty Guidelines

Below you will find the 2015-2016 federal poverty guidelines; listed at the 100 percent level.

For families with more than 8 persons, add \$4,160 for each additional person.

Persons in Family	Poverty Guideline
1	\$11,770
2	\$15,930
3	\$20,090
4	\$24,250
5	\$28,410
6	\$32,570
7	\$36,730
8	\$40,890