

# Annual Social Services Conference

April 15-17 2014

Twin Falls, ID

# Appeals Process and Procedures

- Oh – you mean, in the context of Medical Indigency...
- The people who do all the work...
- Clerks and Commissioners





# Appeals from Initial Determinations

- Two Statutes
- Idaho Code §31-3505 D
- Idaho Code §31-3505 E
- THE END – thank you.

# Idaho Code §31-3505 D

- Applicants, providers, and 3<sup>rd</sup> party applicants must appeal within 28 days from the date of the initial determination
- **IN WRITING!**
- NPC encourages “specifics” in the appeal.

# Idaho Code §31-3505 E

- Hearing date = w/in 75 days of receipt
- BoCC may continue 45 days
- Add'tl continuances by mutual agreement
  - Gather info (aka “discovery”)
  - Gather “evidence” required by BoCC (caution)
  - Allow for other agency decisions
- Decision < 30 from hearing
- Mailed w/in 5 days of final decision

# Disclosures and Notices

- DO IT IMMEDIATELY
- REDACT as necessary
- Discuss issues
  - Investigation compliance/thoroughness
  - Medical review
- Plan/prep witnesses/ “subpoena”
  - Experts?

# Reason for Appeals?

- You tell me...
  - Incomplete applications?
  - Not a resident?
  - Not indigent?
  - Other resources? (as distinguished from indigent)
  - Not medically necessary?\*\*\*
  - Partial approvals-partial denials?\*\*\*

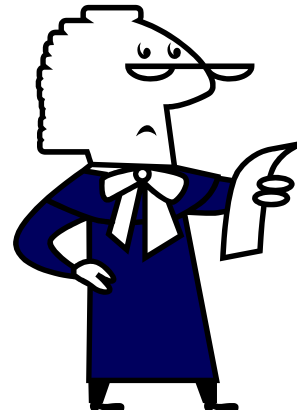


# Consider carefully...

- All things and matters that are “Questions of fact” and require BoCC determinations
- Decisions must be supported by substantial, competent evidence
  - “Necessary Medical Svcs” (SJPMC vs. NPC)
  - “Medically indigent” = medical expenses > available resources
  - “available” = net positive value AND be liquid.
  - “liquid”

# HEARING

- Appellant bears the burden!
- Appellant bears the burden!
- Appellant bears the burden!
- BoCC must “find facts” after testimony
- BoCC decision must be supported by factual findings



# So....what have you forgotten?

- Have you spoken to your prosecutor?
- Have you discussed this case with your prosecutor?
  
- Maybe this slide should be shown earlier?

# After a final decision?

- Judicial review...



- That's for another day!