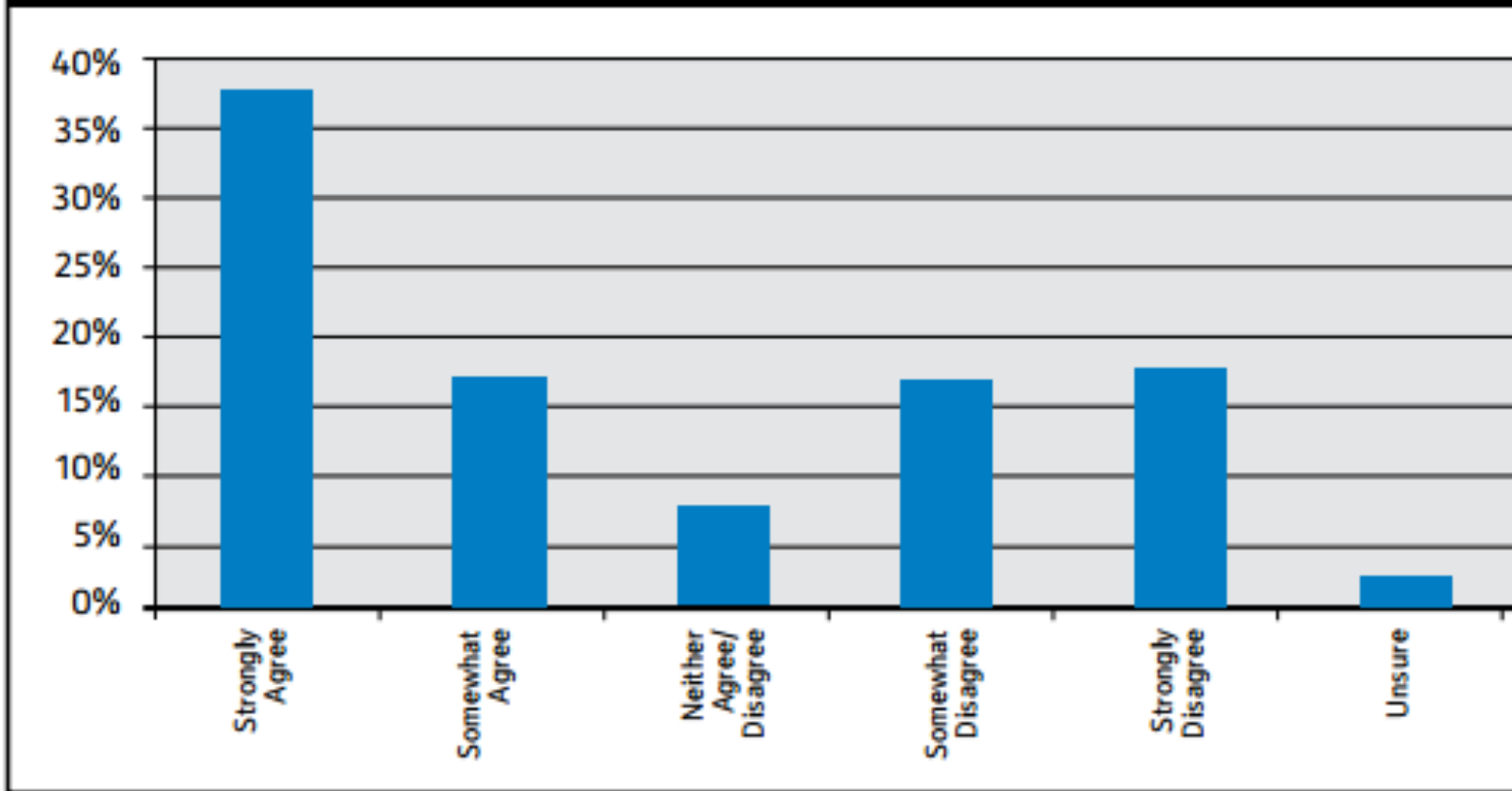


Indigent Medical Care and Undocumented Residents

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Gooding County Prosecutor

DENY INDIGENT MEDICAL CARE



- Over 50% of the respondents strongly or somewhat agreed with the statement that counties in Idaho should deny indigent medical care to undocumented immigrants.
- Over 30% of the respondents either strongly or somewhat disagreed with the statement that counties should deny indigent medical care to undocumented immigrants.

Title 31, Chapter 35 – Hospitals for Indigent Sick

§ 31-3501. DECLARATION OF POLICY provides in pertinent part:

“(1) It is the policy of this state that each person, to the maximum extent possible, is responsible for his or her own medical care and that of his or her dependents . . . (2) The county medically indigent program and the catastrophic health care cost program are payers of last resort. . .”



Idaho Code § 31-3502

(12) "Emergency service" means a service provided for a medical condition in which sudden, serious and unexpected symptoms of illness or injury are sufficiently severe to necessitate or call for immediate medical care



Idaho Code § 31-3502

(18) B. Necessary medical services shall not include the following: . . . (g) Services provided by, or available to, an applicant from state, federal and local health programs

Idaho Code § 31-3502

(24) "Resident" means a person with a home, house, place of abode, place of habitation, dwelling or place where he or she actually lived for a consecutive period of thirty (30) days or more within the state of Idaho. A resident does not include a person who comes into this state for temporary purposes, including, but not limited to, education, vacation, or seasonal labor. . . ."

Idaho Code § 31-3502

(25) "Resources" means all property, for which an applicant and/or an obligated person may be eligible or in which he or she may have an interest . . . including, but not limited to, all forms of public assistance . . . or apply for section 1011 of the Medicare modernization act of 2003, if applicable, and any other property from any source. . . ."



Idaho Code § 31-3502

(26) "Third party applicant" means a person other than an obligated person who completes, signs and files an application on behalf of a patient. . . ."



Idaho Code § 31-3506, Obligated County, provides in pertinent part:

“The county obligated for payment shall be determined as follows: . . . (e) If an individual has not resided in any county for a consecutive period of thirty (30) days but has resided in the state of Idaho for a consecutive period of thirty (30) days then the county where the individual last resided prior to receiving medical services shall be the obligated county.”



Idaho Code § 31-3509 provides in pertinent part:

“(2) Hospitals and providers making claims for reimbursement of necessary medical services provided for medically indigent residents shall make all reasonable efforts to determine liability and attempt to collect for the account so incurred from all resources prior to submitting the bill to the county commissioners for review. . . . A hospital shall apply pursuant to section 1011 of the Medicare modernization act of 2003 if funds are available or provide proof that funds are no longer available.”

Idaho Code, Title 67, Chapter 79 includes § 67-7901 providing:

“(1) The legislature hereby finds and declares that it is the public policy of the state of Idaho that all persons eighteen (18) years of age or older shall provide proof that they are lawfully present in the United States prior to receipt of certain public benefits.

(2) The intent of the legislature is not to regulate immigration but to control public expenditures for certain public benefits, not inconsistent with federal law.”

Idaho Code § 67-7903, provides in pertinent part:

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

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

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

Notwithstanding the provisions of the subsection (3), for the county indigent program, the limitations contained in the section 31-3502 (18)B., Idaho Code, shall apply.”

St. Luke's Magic Valley Regional Medical Center, LTD., an Idaho nonprofit corporation, v. Board of County Commissioners of Gooding County, 150 Idaho 484, 248 P.3d 735 (2011).

The main planks of the decision to overturn the BOCC and District Court decisions included:

1. No finding of actual indigence in the final decision of the BOCC.
2. Both county indigent fund and CMS 1011 are payers of last resort.
3. The applicant (patient) is not eligible for CMS 1011 funds, only the hospital (provider and third party applicant" is eligible to apply for CMS 1011 funds.
4. The hospital is not required to apply for CMS 1011 funds.
5. If the hospital applies for CMS 1011 funds then the county and CAT fund can demand reimbursement from the hospital.



The Department of Health and Human Services, Centers for Medicare & Medicaid Services, Section 1011:

Federal Reimbursement of Emergency Health Services Furnished to Undocumented Aliens. CMS has established a web site for Section 1011 which can be found at

http://www.cms.gov/UndocAliens/02_policy.asp*