

## **What is County Assistance?**

If you are indigent and cannot afford hospital and medical care, including medications, or basic necessities such as rent, food, and utilities, then the county is required by law to assist you in paying for them. This is a "last resort" program. This means that the county will pay for these services or necessities only if you have no other way of paying for them on a temporary basis. If, for example, you receive Medical Assistance through the state, then that program must pay for your hospital and medical bills.

## **Who is eligible for County Assistance?**

You are eligible for county assistance if you are unable to provide for basic necessities or you do not have enough income and resources to pay for necessary hospital or other medical expenses. The ability to pay for necessary medical services over a 5 year period would make one ineligible for county assistance. Things exempt under the law such as some personal property, governmental benefits such as Social Security, or the homestead exemption (which is the first \$50,000.00 of equity in your house), cannot be counted as resources. For assistance with food, rent or utilities, or for assistance with medications for noninstitutionalized persons, you must also be a resident of the county to which you apply. For necessary medical services, you should apply with the last county in which you resided for six consecutive months or longer in the past five years. If you have not resided in any county for at least six months within the past five years, then you should apply with the county where you resided for at least 30 days immediately before you incurred your medical costs. If you have not resided in any Idaho county for at least 30 days but have lived in Idaho for at least 30 days, then you should apply with the county where you last resided just

before you received the medical services in question. If you are denied assistance for the reason that you are not a resident, the county's decision may be wrong and you should consult an attorney.

## **How do I apply for County Assistance?**

You can apply for county assistance at the county courthouse or offices, or someone there can tell you where to go. You will need to bring with you all the papers proving your living expenses, monthly income, and the bills for which you are requesting assistance. Even if you are orally told the county does not or will not provide assistance for what you are requesting, *always demand a written application and fill it out*. If you are denied an application, consult an attorney.

You should be aware that upon application for medical assistance, the county will attach an automatic lien to all of your real and personal property and on all insurance benefits to which you may be entitled. You should also be aware that you and members of your household who are not fully employed but who are capable of employment can be required to file an application with the Department of Labor and to use your/their best efforts to seek employment. Those who quit their jobs may be denied assistance. If a person is unable to work for medical reasons, you may be required to submit a medical statement verifying your inability to work.

After the county has reviewed all your information, they will decide whether or not you are eligible for county assistance. This decision will be based on your family size, income, monthly expenses, resources, debts, and other factors. This decision must be in *writing*. If you are denied, the written notice must state the reasons why you were denied. If no reasons are given for the denial or if you disagree with the denial for other reasons, you should appeal and seek the advice of an attorney as soon as possible.

## **When will I find out if I am eligible for assistance?**

In cases where you request help on non-emergency medical services, the county has 35 days from the day you submit your written application to decide whether or not to pay hospital and medical bills for services already received. For emergency necessary medical services, the county has 60 days from the date of the application to issue a decision.

If you are seeking help with your rent, food, or utilities, the county should make a decision no later than 15 days after your first interview. However, the county should make an immediate decision if there is an emergency circumstance. The clerk has the authority to approve financial assistance for immediate necessities in excess of \$200. An emergency circumstance might be a shut-off of your utilities, or a court-ordered eviction.

## **When should I apply for county assistance?**

*Emergency:* If there is an emergency, such as if you receive an eviction notice, apply immediately. If you have a medical emergency you should apply no later than 30 days after you were admitted to the hospital or obtained the medical care.

*Non-emergency:* If you need necessary but non-emergency hospital or medical care, you must apply for assistance at least 10 days before receiving the services. You can apply for basic necessities at any time you have the need. Follow-up necessary medical services based on a treatment plan which has been approved by the Board may be paid for up to six months from the date of the original application. Beyond that, requests for additional treatment related to an original diagnosis must be filed within ten days before receiving the services.

**What will the county pay?**

The county will only pay what Medicaid would pay for your medical bills, but you do not have to pay the difference. For rent, utilities, food, and other non-medical expenses, the county may try to limit their help to the smallest amount possible. If the assistance they provide you doesn't meet your needs, you should appeal and see an attorney.

Assistance for food, rent, or utilities may be limited to one month in a 12 month period.

**Will I have to pay the county back?**

You will likely be asked to pay back all or a portion of the assistance you received. What you pay back must be a "reasonable" amount based upon actual income and resources available to you and must be for a "reasonable" period of time such as three years of small monthly payments. You should insist on paying an amount you can afford. The county may also provide for work reimbursement.

You should not sign a lien on your property or a promissory note for reimbursement without first consulting an attorney. If you are denied assistance because the county will not agree on a reasonable reimbursement agreement, you should appeal the decision and consult an attorney.

**What can I do if I am denied assistance?**

If you are denied assistance on a claim for medical bills, you can appeal by requesting a hearing before the county commissioners within 28 days from **the date of the denial**. You have the right to have a lawyer or other person represent you at the hearing. You also have a right to present evidence and question witnesses.

If the commissioners rule against you, you may appeal in District Court within 28 days of the county's final decision. A decision from the District Court may be appealed to the Idaho

Supreme Court.

If you are denied assistance for non-medical bills, such as rent and utilities, you can file a written appeal to the Board within 30 days of the Board's denial. If the Board denies the appeal, you have 30 days to file an appeal to the District Court.

*The advice in this pamphlet is very general. There might be special factors which affect your case, or you might have questions after reading this pamphlet. We urge you to consult an attorney about county assistance problems. If you cannot afford an attorney, contact the Idaho Legal Aid Services office nearest you.*

IDAHO LEGAL AID AREA OFFICES

310 N. 5th St. Boise, ID 83702	345-0106
1104 Blaine, Caldwell, ID 83605	454-2591
410 Sherman Ave., Suite 303 Coeur d'Alene ID 83814	667-9559
482 Constitution Way, Suite 101 Idaho Falls, ID 83402	524-3660
633 Main, Lewiston, ID 83501	743-1556
150 S. Arthur, Suite 203 Pocatello, ID 83204	233-0079
475 Polk, Twin Falls, ID 83301	734-7024
Senior Legal Hotline . . . . .	1-800-345-0106
Senior Legal Hotline (Spanish speakers). .	1-866-954-2591
Domestic Violence Legal Advice Line .	1-877-500-2980
TTY: . . . . .	1-800-245-7573

www.idaholegalaid.org

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**For The Payment of Hospital and Medical Necessities and Other Necessities for Low Income People**

*Prepared by*



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www.idaholegalaid.org