

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

297A0132

SENATE STATE AFFAIRS COMMITTEE

ENGROSSED NO. **SB121** - 2/19/97

Introduced by: Senators Halverson, Aker, Flowers, Frederick, Hutmacher, Kloucek, Lange, Lawler, Olson, Shoener, Symens, Thompson, and Vitter and Representatives Belatti, Apa, Barker, Brosz, Brown (Jarvis), Chicoine, Crisp, Davis, Diedrich, Duniphan, Fiegen, Gabriel, Hagen, Lee, Madden, Matthews, Monroe, Volesky, and Waltman

1 FOR AN ACT ENTITLED, An Act to define medical indigence.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 28-13-1.1 be amended to read as follows:

4 28-13-1.1. For the purposes of this chapter, an indigent or poor person is any person who
5 does not have sufficient money, credit, or property to furnish support or does not have anyone
6 able to support him to whom he is entitled to look for support or is unable to be self-supporting;
7 who has no one to look to who is legally required to provide support; or who is unable to be self-
8 supporting through work because of illness or injury. In applying this definition, each county
9 shall establish reasonable eligibility standards for county poor relief. ~~However, such standards~~
10 ~~shall be consistent with relevant federal statutes, case law and the provisions of this section and~~
11 ~~§ 28-13-1.2.~~

12 Section 2. That § 28-13-16 be amended to read as follows:

13 28-13-16. The county commissioners in each county ~~shall have the oversight and~~ are

1 responsible for the care and relief of all poor persons in the county ~~so~~ as provided by this chapter
 2 as long as those persons remain a county charge, and shall see that those persons are properly
 3 relieved and taken care of in the manner provided by law, and shall perform all the duties with
 4 reference to such poor persons that may be prescribed by law. The commissioners may adopt
 5 reasonable standards for the amount, scope and duration of emergency and nonemergency
 6 medical and remedial services eligible. The commissioners may designate a county official to
 7 assist in the coordination of poor relief information with other counties.

8 Section 3. That § 28-13-27 be amended to read as follows:

9 28-13-27. Terms used in §§ ~~28-13-27 to 28-13-36, inclusive;~~ this chapter mean:

- 10 (1) "Actual cost of hospitalization," the actual cost to a hospital of providing
 11 hospitalization to an hospital services to a medically indigent person, determined by
 12 applying the ratios of costs to charges appearing on the statement of costs required
 13 in § 28-13-28 to charges at such the hospital in effect at the time such hospitalization
 14 is the hospital services are provided;
- 15 (2) ~~"Emergency case," hospitalization provided under circumstances certified by a duly~~
 16 ~~licensed physician exercising competent medical judgment, showing that a patient's~~
 17 ~~life or health would be threatened by delaying immediate treatment~~ "Emergency
 18 hospital services," treatment in the most appropriate hospital available to meet the
 19 emergency need. The physician, physician assistant, or nurse practitioner on duty or
 20 on call at the hospital must determine whether the individual requires emergency
 21 hospital care. The need for emergency hospital care is established if the absence of
 22 emergency care is expected to result in death, additional serious jeopardy to the
 23 individual's health, serious impairment to the individual's bodily functions, or serious
 24 dysfunction of any bodily organ or part. The term does not include care for which
 25 treatment is available and routinely provided in a clinic or physician's office;

1 (3) "Hospital," any hospital licensed as such by the state in which it is located;

2 (4) "Household," the patient, minor children of the patient living with the patient, and
3 anyone else living with the patient to whom the patient has the legal right to look for
4 support;

5 (5) "Nonemergency care," hospitalization which is medically necessary and recommended
6 by a ~~duly licensed~~ physician licensed under chapter 36-4 but does not require
7 immediate care or attention;

8 (6) "Indigent by design," an individual who meets any one of the following criteria:

9 (a) Is able to work but has chosen not to work;

10 (b) Is a student at a postsecondary institution who has chosen not to purchase
11 health insurance;

12 (c) Has failed to purchase health insurance which was made available through the
13 individual's employer; or

14 (d) Has transferred resources for purposes of establishing eligibility for medical
15 assistance available under the provisions of this chapter. The lookback period
16 for making this determination includes the thirty-six month period immediately
17 prior to the onset of the individual's illness and continues through the period
18 of time for which the individual is requesting services.

19 Section 4. That chapter 28-13 be amended by adding thereto a NEW SECTION to read as
20 follows:

21 A medically indigent person is one who meets the following criteria:

22 (1) Requires medically necessary hospital services for which no public or private third-
23 party coverage, such as insurance, veterans' assistance, medicaid, or medicare, is
24 available which covers the actual cost of hospitalization;

25 (2) Has no ability or only limited ability, as determined under the provisions of this

1 chapter, to pay a debt for hospitalization;

2 (3) Has not voluntarily reduced or eliminated ownership or control of an asset for the
3 purpose of establishing eligibility;

4 (4) Is not indigent by design; and

5 (5) Is not a veteran or a member of a Native American tribe who is eligible or would have
6 been eligible for services through the Veterans' Administration or the Indian Health
7 Service if the services had been applied for within seventy-two hours of the person's
8 admission.

9 Section 5. That chapter 28-13 be amended by adding thereto a NEW SECTION to read as
10 follows:

11 Medically necessary hospital services are services provided in a hospital which meet the
12 following criteria:

13 (1) Are consistent with the person's symptoms, diagnosis, condition, or injury;

14 (2) Are recognized as the prevailing standard and are consistent with generally accepted
15 professional medical standards of the provider's peer group;

16 (3) Are provided in response to a life-threatening condition; to treat pain, injury, illness,
17 or infection; to treat a condition which would result in physical or mental disability;
18 or to achieve a level of physical or mental function consistent with prevailing
19 standards for the diagnosis or condition;

20 (4) Are not furnished primarily for the convenience of the person or the provider; and

21 (5) There is no other equally effective course of treatment available or suitable for the
22 person needing the services which is more conservative or substantially less costly.

23 A county shall rely on the attending physician's determination as to medical necessity of
24 hospital services unless evidence exists to the contrary.

25 Section 6. That chapter 28-13 be amended by adding thereto a NEW SECTION to read as

1 follows:

2 Except for the costs of emergency hospital services, a county may adopt guidelines which
3 define the amount, scope, and duration of medical and remedial services available to eligible
4 persons and the basis for and extent of payments made to providers by counties on behalf of
5 eligible persons.

6 Section 7. That § 28-13-28 be amended to read as follows:

7 28-13-28. ~~No~~ A hospital may avail itself of the provisions of §§ ~~28-13-27 to 28-13-36,~~
8 ~~inclusive, this chapter~~ for purposes of determining payment for hospitalization of ~~any~~ a medically
9 ~~indigent person unless such~~ only if the hospital has filed a detailed statement of costs with the
10 secretary of ~~health~~ a detailed statement of costs, in such form as social services in the form
11 prescribed by the secretary ~~shall from time to time prescribe~~. The statement of costs shall
12 compute and set forth the ratios of costs to charges for the hospital's fiscal year covered by the
13 statement of costs. The statement of costs shall be filed with the secretary at least annually,
14 unless such period is extended or otherwise provided by the secretary, but a hospital may file
15 ~~such a~~ a detailed statement of costs; or amendments thereto as often as once in to such a statement
16 once every six months.

17 Section 8. That § 28-13-29 be amended to read as follows:

18 28-13-29. ~~For the purpose of §§ 28-13-27 to 28-13-36, inclusive, the~~ The amount of
19 reimbursement for hospital services ~~shall be equal to~~ is the amount calculated pursuant to section
20 16 of this Act. It may not exceed the actual cost of hospitalization as defined in subdivision
21 28-13-27(1) or an amount established by the secretary of the Department of Social Services,
22 whichever is less. The amount established by the secretary shall be based on medicaid payment
23 methodology. In no event, however, may any hospital have any right, under §§ 28-13-27 to
24 28-13-36, inclusive, to maintain any claim against any county for any amount whatsoever in
25 excess of A hospital may not maintain a claim against a county for any amount which exceeds

1 the usual ordinary and reasonable charge for any ~~item of such hospitalization services, even~~
 2 ~~though the same is less than such~~ hospital service, even if the charge is less than the hospital's
 3 ~~actual cost of hospitalization as defined in subdivision 28-13-27(1). If such.~~ If the hospital
 4 furnishes hospital services to medically indigent persons residing in the county in which ~~such~~ the
 5 hospital is located at rates less than ~~the actual cost of hospitalization, determined as provided~~
 6 ~~herein, then such~~ the rates provided for in this section, the hospital shall furnish such hospital
 7 services to all medically indigent persons at the same rates, ~~regardless of any other provisions~~
 8 hereof.

9 Section 9. That § 28-13-32.3 be amended to read as follows:

10 28-13-32.3. ~~In order for a person to be entitled to poor relief assistance in the event of~~
 11 ~~hospitalization, he shall make, or there shall be made on his behalf, an application to the county~~
 12 ~~of his residency. The contents of the application shall be established by the county. To receive~~
 13 assistance under this chapter for the costs of hospitalization, a person must be medically indigent
 14 as defined in section 4 of this Act. The person or someone acting on behalf of the person shall
 15 apply to the person's county of residence for assistance.

16 Section 10. That § 28-13-32.4 be amended to read as follows:

17 28-13-32.4. An application made by a hospital on behalf of ~~an indigent~~ a medically indigent
 18 person pursuant to § 28-13-32.3 shall be submitted to the county auditor within one year of the
 19 discharge of the indigent. The application shall include:

- 20 (1) The notice of hospitalization as provided in § 28-13-34.1;
- 21 (2) The dates of hospitalization;
- 22 (3) The final diagnosis;
- 23 (4) The cost of hospital services; and
- 24 (5) Any financial information in the possession of the hospital concerning the patient or
 25 the responsible party, ~~in the possession of the hospital,~~ including the availability of

1 insurance coverage, if known.

2 The county may not require the hospital to provide more information concerning such a
3 medically indigent person than is contained in the application provided for in this section and the
4 release of information provided for in section 26 of this Act.

5 Section 11. That § 28-13-33 be amended to read as follows:

6 28-13-33. Subject to the provisions of §§ ~~28-13-28 to 28-13-32, inclusive~~, this chapter and
7 except as hereinafter expressly provided, whenever hospitalization for an indigent person has
8 been furnished by a hospital in any emergency case if a hospital furnishes emergency hospital
9 services to a medically indigent person, the county where the medically indigent person has
10 established residency shall be is liable to the hospital for the expense reimbursement of the
11 hospitalization. In the case of nonemergency ~~hospitalization assistance care~~, the county of
12 residence ~~shall be is~~ liable only to the extent that the board of county commissioners, in good
13 faith, approves ~~any an~~ an application for assistance. If a county provides payment for nonemergency
14 services, the services shall be approved by the county before the services are provided. To the
15 extent that the county provides payment to a hospital, the county ~~shall have~~ has the same
16 remedies for the recovery of ~~such the~~ the expense as are provided by statute chapter 28-14 for the
17 recovery of money expended for the relief and support of poor and indigent persons.

18 Section 12. That chapter 28-13 be amended by adding thereto a NEW SECTION to read as
19 follows:

20 For purposes of determining medical indigence, the county shall establish an annual income
21 guideline for the person which is derived as follows:

- 22 (1) Using the housing index established in section 13 of this Act, determine the housing
23 index for the person's county of residence. Multiply the county index by three hundred
24 six dollars, the median gross rent of residences in South Dakota in 1996;
- 25 (2) Using the federal poverty guidelines established in 43 Federal Register 8,286

1 (March 4, 1996), determine the federal poverty level for the household size and
2 multiply that figure by one hundred seventy-five percent; and

3 (3) Add the results of subdivisions (1) and (2) of this section and multiply by twelve.

4 Section 13. That chapter 28-13 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 The housing index for each county is as follows:

7	COUNTY	HOUSING INDEX
8	Aurora	0.65
9	Beadle	0.91
10	Bennett	0.86
11	Bon Homme	0.71
12	Brookings	0.96
13	Brown	0.95
14	Brule	0.80
15	Buffalo	0.77
16	Butte	0.91
17	Campbell	0.74
18	Charles Mix	0.65
19	Clark	0.72
20	Clay	0.95
21	Codington	0.92
22	Corson	0.47
23	Custer	1.03
24	Davison	0.90
25	Day	0.78
26	Deuel	0.79
27	Dewey	0.89
28	Douglas	0.69

1	Edmunds	0.71
2	Fall River	0.89
3	Faulk	0.66
4	Grant	0.81
5	Gregory	0.68
6	Haakon	0.80
7	Hamlin	0.70
8	Hand	0.70
9	Hanson	0.96
10	Harding	0.70
11	Hughes	1.03
12	Hutchinson	0.72
13	Hyde	0.75
14	Jackson	0.84
15	Jerauld	0.61
16	Jones	0.76
17	Kingsbury	0.67
18	Lake	0.78
19	Lawrence	1.00
20	Lincoln	0.93
21	Lyman	0.77
22	Marshall	0.72
23	McCook	0.73
24	McPherson	0.58
25	Meade	1.03
26	Mellette	0.74
27	Miner	0.65
28	Minnehaha	1.23
29	Moody	0.79

1	Pennington	1.26
2	Perkins	0.65
3	Potter	0.86
4	Roberts	0.70
5	Sanborn	0.67
6	Shannon	0.81
7	Spink	0.82
8	Stanley	1.06
9	Sully	0.82
10	Todd	0.79
11	Tripp	0.83
12	Turner	0.78
13	Union	0.87
14	Walworth	0.97
15	Yankton	0.93
16	Ziebach	0.82

17 Section 14. That chapter 28-13 be amended by adding thereto a NEW SECTION to read as
18 follows:

19 For the purpose of determining a household's income, the county shall consider all sources
20 of income, including the following:

- 21 (1) Compensation paid to household members for personal services, whether designated
22 as gross salary, wages, commissions, bonus, or otherwise;
- 23 (2) Net income from self-employment, including profit or loss from a business, farm, or
24 profession;
- 25 (3) Income from seasonal employment;
- 26 (4) Periodic payments from pensions or retirement programs, including social security,

- 1 veterans' benefits, disability payments, and insurance contracts;
- 2 (5) Income from annuities or trusts, except for a trust held by a third party for the benefit
- 3 of the minor children of the household;
- 4 (6) Interest, dividends, rents, royalties, or other gain derived from investments or capital
- 5 assets;
- 6 (7) Gain or loss from the sale, trade, or conversion of capital assets;
- 7 (8) Unemployment insurance benefits and strike benefits;
- 8 (9) Workers' compensation benefits and settlements;
- 9 (10) Alimony and child support payments received; and
- 10 (11) School grants and stipends which are used for food, clothing, and housing but not for
- 11 books and tuition.

12 A federal income tax return is the preferred source for determining earnings. If a federal
13 income tax return is not representative of current earnings, the county may also require pay stubs
14 which include gross and net earnings.

15 Section 15. That chapter 28-13 be amended by adding thereto a NEW SECTION to read as
16 follows:

17 For the purpose of determining a household's resources, the county shall consider all
18 resources, including:

- 19 (1) Equity value of the household's primary residence, excluding the homestead
- 20 exemption provided for in subdivision (2) of § 43-45-3;
- 21 (2) Equity value of other real property;
- 22 (3) Equity value of major recreational and other leisure equipment including watercraft,
- 23 campers, recreational vehicles, all-terrain vehicles, and snowmobiles;
- 24 (4) Equity value, in excess of five thousand dollars, of all motor vehicles;
- 25 (5) Personal assets, including cash in excess of one-half month's income, stocks,

1 securities, accounts and notes due the person or the person's household, cash values
2 of life insurance policies, collectible judicial judgments in favor of the person or the
3 person's household, and monetary gifts;

4 (6) Equity value of business property, including real estate, equipment, and inventory; and

5 (7) Equity value of household goods and personal property beyond that which is
6 reasonably essential for everyday living and self-support.

7 Equity value is determined by subtracting an asset's outstanding indebtedness from its fair
8 market value.

9 The county shall subtract five thousand dollars from the total of the household's countable
10 resources to determine the household's adjusted resources.

11 Section 16. That chapter 28-13 be amended by adding thereto a NEW SECTION to read as
12 follows:

13 A county is financially responsible only for the hospitalization expense which is beyond the
14 person's ability to pay. A person's ability to pay is determined according to the following:

15 (1) Determine the household's contributions for taxes, social security, medicare, and
16 payments to other standard retirement programs. A household's contribution for taxes
17 is limited to the amount of taxes payable for the actual number of dependents in the
18 household;

19 (2) Determine the household's expenses, including actual rent paid or scheduled principal
20 and interest payments for a personal residence plus property taxes and homeowner's
21 insurance costs; all utilities; child care expenses related to work schedules; grocery
22 expenses up to the maximum allowed under the Food Stamp Program's Thrifty Food
23 Plan as specified in 60 Federal Register 2,733 (January 11, 1995), plus household
24 supplies and toiletries; basic auto expenses, gasoline, and upkeep; employee-paid
25 health, life, and auto insurance payments; installment payments for medical bills;

1 recurring expenses for medicine and medical care; court-ordered child support and
2 alimony paid; automobile installment payments for one vehicle; clothing, reasonable
3 in relation to the household's income; and installment payments, limited to necessary
4 household items required by the household to maintain the needs of everyday living
5 and reasonable in relation to the household's income;

6 (3) Determine the amount of a household's discretionary income by subtracting the sum
7 of the household's contributions and expenses from the household's income
8 determined according to section 14 of this Act. Divide the amount of the household's
9 discretionary income in half and multiply the resulting amount by forty-four dollars
10 and ninety-six cents. The result added to the household's adjusted resources
11 determined according to section 15 of this Act equals the household's ability to pay
12 the debt and constitutes the household's share of the hospital bill. The amount of
13 forty-four dollars and ninety-six cents represents the amount of medical or hospital
14 expenses which can be amortized over sixty months at twelve percent annual interest
15 per dollar of payment.

16 The amount of the county's obligation is determined by subtracting the amount of the
17 household's ability to pay from the hospital charges computed according to § 28-13-29. If the
18 household defaults on the payment of its share of the hospital bill, a hospital may not pursue a
19 collection action against the county for the defaulted payment.

20 Section 17. That § 28-13-34.1 be amended to read as follows:

21 28-13-34.1. If hospitalization is furnished to ~~an~~ a medically indigent person, the county is not
22 liable for the cost of ~~such~~ the hospitalization unless, within fifteen days in the case of an
23 emergency admission ~~or within seven days in the case of a nonemergency admission~~, notice of
24 ~~such~~ the hospitalization is mailed to the auditor of the county. The notice shall contain:

25 (1) The name and last known address of the patient or the patient's guardian;

- 1 (2) The name and address of the responsible party, if known;
- 2 (3) The name of the attending physician;
- 3 (4) The nature and degree of severity of the illness;
- 4 (5) The anticipated diagnostic or therapeutic services required;
- 5 (6) The location at which the services are to be provided;
- 6 (7) The estimated ~~cost of~~ reimbursement for the services; and
- 7 (8) A statement that the hospital has ~~inquired of~~ asked the patient or the responsible
- 8 party, if known, ~~as to whether the patient is a veteran or~~ has served in any branch of
- 9 the military, is potentially eligible for Indian Health Service benefits, or is a member
- 10 of a Native American tribe and a statement of the information received in response to
- 11 such the inquiry.

12 Section 18. That § 28-13-35 be amended to read as follows:

13 28-13-35. ~~In any case of such hospitalization, when such county, through any duly authorized~~

14 ~~officer or other employee, makes a reasonable arrangement for adequate and suitable care and~~

15 ~~removal of such indigent person elsewhere and notifies the hospital thereof in writing, and the~~

16 ~~hospital unreasonably fails or refuses to extend cooperation to effect such changed arrangement,~~

17 ~~there shall be no liability on such county for any hospitalization, subsequent to such failure or~~

18 ~~refusal. In any case of hospitalization of a medically indigent person, the county, through any~~

19 ~~elected officer or through an employee, may arrange for adequate and suitable care of the person~~

20 ~~elsewhere. If the county notifies the hospital in writing of its arrangement for the removal of the~~

21 ~~medically indigent person and the hospital unreasonably fails or refuses to cooperate in effecting~~

22 ~~the change, the county is not liable for any hospitalization subsequent to the hospital's failure or~~

23 ~~refusal to cooperate.~~

24 Section 19. That § 28-13-36 be amended to read as follows:

25 28-13-36. Nothing in §§ ~~28-13-27 to 28-13-35, inclusive,~~ shall be construed to prevent or

1 ~~preclude any~~ this chapter precludes a hospital and any a county from entering into ~~any a~~
2 reasonable and suitable arrangement, contract, or agreement for hospitalization of medically
3 indigent persons at other ~~and different~~ rates than provided by ~~said sections~~ under this chapter,
4 or ~~to abrogate or impair~~ abrogates or impairs any rights or remedies of either ~~such the~~ county
5 or ~~such the~~ hospital under any such arrangement, contract, or agreement.

6 Section 20. That § 28-13-38.1 be amended to read as follows:

7 28-13-38.1. Hospitals located outside ~~of the State of~~ South Dakota are eligible for
8 reimbursement from the county where the medically indigent person has established residency
9 only if the hospital provides services which are not available in ~~the State of~~ South Dakota or the
10 hospital is approved by the county of ~~the indigent's~~ residence of the medically indigent person
11 as providing a reasonable or cost-effective service.

12 Section 21. That § 28-13-44 be amended to read as follows:

13 28-13-44. ~~No county is liable for any expenses of any person if such expenses have been~~
14 ~~discharged in bankruptcy, unless the person is indigent as defined by § 28-13-1.1. The fact that~~
15 an individual has filed a petition in bankruptcy or has received a discharge in bankruptcy under
16 Title 11 of the United States Code is not admissible evidence in a proceeding under this chapter
17 and may not be considered in making a determination of indigency.

18 Section 22. That chapter 28-13 be amended by adding thereto a NEW SECTION to read as
19 follows:

20 If an individual is indigent by design, the individual is ineligible for medical assistance under
21 the provisions of this chapter and there may be no other criteria used to determine eligibility.

22 Section 23. That § 28-13-30 be amended to read as follows:

23 28-13-30. The secretary of ~~health~~ social services shall make such investigation as ~~he deems~~
24 necessary, and shall approve the statement of costs only if ~~he finds it as~~ the statement is accurate,
25 complete and reliable as could reasonably be expected, and that it discloses, as nearly as may be

1 reasonably determined, the ratios of costs to charges for the hospital's fiscal year covered by the
2 statement of costs. In granting approval, the secretary may modify any items in the statement as
3 ~~he finds~~ which require such modification and shall provide written notice of any such
4 modification to the respective hospital.

5 Section 24. That § 28-13-31 be amended to read as follows:

6 28-13-31. No statement of costs, or amendment thereto, may take effect until approved by
7 the secretary of ~~health~~ social services and the expiration of thirty days from the filing thereof, and
8 thereafter, for purposes of §§ ~~28-13-27 to 28-13-36~~, inclusive this chapter, shall remain in full
9 force and effect until the next statement of costs, or amendment thereto, filed by the hospital
10 pursuant to § 28-13-28 is approved by the secretary. Any such statement of costs, or
11 amendments thereto, shall be a public record and be available for inspection at any time in behalf
12 of any board of county commissioners.

13 Section 25. That § 28-13-32 be amended to read as follows:

14 28-13-32. Any board of county commissioners may at any time file, with the secretary of
15 ~~health~~ social services and the hospital concerned, objections in writing to any such statement
16 of costs, any items therein, or amended thereto, which objections shall be passed upon by the
17 secretary.

18 Section 26. That chapter 28-13 be amended by adding thereto a NEW SECTION to read as
19 follows:

20 If submitting a notice under the provisions of § 28-13-34.1, the hospital shall make every
21 reasonable effort to secure from the patient, and to include with the notice, a release of
22 information form which has been signed by the patient or the patient's authorized representative.
23 The form shall authorize persons, agencies, or institutions to release, to the county, the patient's
24 social security number, the social security number of other household members, medical
25 information concerning the patient, and financial information concerning the patient or members

1 of the patient's household.

2 Section 27. That chapter 28-13 be amended by adding thereto a NEW SECTION to read as
3 follows:

4 A county may review the need for emergency room treatment, an admission, a transfer, a
5 continued stay, or inpatient surgical services. At its option, a county may request the Department
6 of Social Services to provide the needed reviews on the county's behalf. In either case, the review
7 shall be conducted by or under the supervision of a physician licensed under chapter 36-4, and
8 shall be consistent with generally accepted medical practice guidelines.

9 Section 28. That chapter 28-13 be amended by adding thereto a NEW SECTION to read as
10 follows:

11 No county is liable for the payment of any experimental procedures or experimental modes
12 of treatment provided on behalf of a medically indigent person.

13 Section 29. That chapter 28-13 be amended by adding thereto a NEW SECTION to read as
14 follows:

15 Notwithstanding § 7-8-30, in any appeal regarding medical indigence, the circuit court may
16 affirm or remand for further proceedings, or the court may reverse or modify the decision if
17 substantial rights of the appellant have been prejudiced because the county's findings, inferences,
18 conclusions, or decisions are:

- 19 (1) In violation of constitutional or statutory provisions;
- 20 (2) In excess of the statutory authority of the county;
- 21 (3) Made upon lawful procedure;
- 22 (4) Affected by other error of law;
- 23 (5) Clearly erroneous in light of the entire evidence in the record; or
- 24 (6) Clearly unwarranted exercise of discretion.

25 Section 30. That chapter 28-13 be amended by adding thereto a NEW SECTION to read as

1 follows:

2 If submitting a bill to a county for medically necessary hospital services provided on behalf
3 of a person who is medically indigent, the hospital must first demonstrate that it has exhausted
4 all avenues of payment including accepting reasonable monthly payments from the person who
5 does not have the ability to pay the hospital in one lump sum at the time of discharge.

1 **BILL HISTORY**

2 1/23/97 First read in Senate and referred to State Affairs. S.J. 141

3 1/29/97 Scheduled for Committee hearing on this date.

4 2/5/97 Scheduled for Committee hearing on this date.

5 2/5/97 Deferred to another day. S.J. 318

6 2/7/97 Scheduled for Committee hearing on this date.

7 2/10/97 Scheduled for Committee hearing on this date.

8 2/10/97 Deferred to another day. S.J. 384

9 2/13/97 Scheduled for Committee hearing on this date.

10 2/15/97 Scheduled for Committee hearing on this date.

11 2/15/97 Deferred to another day. S.J. 466

12 2/19/97 Scheduled for Committee hearing on this date.

13 2/19/97 State Affairs Do Pass Amended,, Passed, AYES 9, NAYS 0.