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# LINCOLN COUNTY POOR RELIEF GUIDELINES

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Guidelines for Lincoln County Human  
Services, South Dakota

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Approved by the Lincoln County  
Commission: April 26, 2011

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TABLE OF CONTENTS:

I. STATEMENT OF PURPOSE \_\_\_\_\_ 3

II. DEFINITIONS \_\_\_\_\_ 3

III. GENERAL ADMINISTRATION

- A. Public Access \_\_\_\_\_ 4
- B. Confidentiality \_\_\_\_\_ 4
- C. Non-Discrimination \_\_\_\_\_ 4
- D. Resource of Last Resort \_\_\_\_\_ 4
- E. Continuing Assistance \_\_\_\_\_ 4
- F. Obligation in the Presence of Public Assistance \_\_\_\_\_ 5
- G. Conditions of County Assistance \_\_\_\_\_ 5
- H. Disqualifications \_\_\_\_\_ 5
- I. Subrogation \_\_\_\_\_ 6
- J. Reimbursement \_\_\_\_\_ 6
- K. Severability \_\_\_\_\_ 6

IV. THE APPLICANT'S RIGHT TO KNOW \_\_\_\_\_ 6

V. EMERGENCY SERVICES

- 1. Eligibility \_\_\_\_\_ 7
- 2. Application \_\_\_\_\_ 8
- 3. Types of Assistance \_\_\_\_\_ 10
  - A) Shelter \_\_\_\_\_ 10
  - B) Utilities Assistance \_\_\_\_\_ 10
  - C) Food Assistance \_\_\_\_\_ 10
  - D) Transportation Assistance \_\_\_\_\_ 11
  - E) Burial and Funeral Assistance \_\_\_\_\_ 11
  - F) Other \_\_\_\_\_ 12  
Personal Hygiene, Household Items, Birth Certificates, Dental, Eye Care,  
Medications

VI. MEDICAL ASSISTANCE

- 1. Eligibility \_\_\_\_\_ 12
- 2. Application \_\_\_\_\_ 14
- 3. Medical Specific Guidelines \_\_\_\_\_ 15

VII. NOTICE OF REVIEW FOR DENIAL: APPEAL

- A. Notice \_\_\_\_\_ 17
- B. Appeal \_\_\_\_\_ 17

APPENDIX A - Eligibility Income Standards \_\_\_\_\_ 18

APPENDIX B - Housing Allowance \_\_\_\_\_ 18

## **SECTION I: Statement of Purpose**

Lincoln County Commission recognizes its legal responsibility to provide assistance to indigent residents of the County under SDCL 28-13. Further, as specified in State Law (SDCL Ch. 10-12; SDCL 7-8-20 (7)), the County realizes the fiscal limitations of its tax base and any other resource(s) available for the provision of assistance to indigent persons. South Dakota Codified Laws may be found at: <http://legis.state.sd.us/statutes/index.aspx> .

Lincoln County resolves to administer poor relief equitably and efficiently to provide the necessary resources to those most in need. Accordingly, the County adopts these written guidelines to insure a fair and equitable process for distribution of assistance.

To assure the efficient and equitable allocation of the County's resources, which are limited by a determined property tax base, eligibility and limitations are necessary and are guided by program requirements and Guidelines. The Guidelines may be waived for good cause at the discretion of the Lincoln County Commission. In the event of any conflict, State and/or Federal statute shall supersede.

## **SECTION II: Definitions**

Unless the context requires otherwise, the terms used in these Guidelines are defined as follows:

1. **APPLICANT:** The person seeking assistance, the person on whose behalf assistance is sought by a representative, or the person for whom assistance is sought by a hospital in an "emergency" case as that term is defined in SDCL 28-13-27 or in the event of a death, by a relative, friend or funeral home as discussed in SDCL 28-17.
2. **BOARD:** The Lincoln County Commission, which is the authority that sets guidelines and policy.
3. **COUNTY:** The Lincoln County Human Services Department (LCHS) designated by the Board to administer the Poor Relief Program in the County. Lincoln County Human Services are provided under contract by the Minnehaha/Lincoln County Human Services.
4. **GOOD CAUSE:** A serious or life threatening emergency whereas harm would likely come to the applicant if assistance was to be withheld.
5. **INDIGENT PERSON:** Any person who is determined to be indigent in accordance with South Dakota law in SDCL 28-13 and these guidelines.
6. **LCHS:** Lincoln County Human Services office.
7. **NOTICE OF ACTION (NOA):** Each applicant shall receive a Notice of Action documenting their request and action taken by LCHS.
8. **RECIPIENT:** The person receiving assistance under these Guidelines.

9. **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.
10. **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 an applicant prior to a need for such insurance.
11. **REPRESENTATIVE:** The person who is making application on behalf of the applicant.

### **SECTION III: 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 Lincoln County website. The Guidelines are subject to periodic review and may be changed by the Board. Any changes made to the Guidelines shall take effect prospectively.
- B) **CONFIDENTIALITY:** Information given by or concerning any applicant or recipient of assistance shall be considered confidential. Such information shall not be publicly divulged by County employees or Commissioners except:
  1. Upon written authorization of the applicant or recipient.
  2. Upon appropriate order from a competent court.
  3. When the safety of an individual is at risk or a person or society is threatened.
  4. As otherwise provided by South Dakota law.

Minnehaha/Lincoln County Human Services staff is required to report child and elderly abuse and neglect.

- C) **NON-DISCRIMINATION:** The LCHS shall not discriminate among applicants for or recipients of assistance on the basis of the individual's 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.
- D) **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, and housing resources such as low-income housing and shelters have been exhausted.
- E) **CONTINUING ASSISTANCE:** County assistance is not a program of general assistance on a continuing basis. Each request for assistance is considered a one-time request. Any additional assistance will be considered only upon a new request and application or recertification of a prior application. Rent and utility financial assistance will only be made once during the calendar year. Exceptions to this can be made only by the Lincoln County Commission.

- F) **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.
- G) **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 the 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. Liens are not applied when assistance for food pantry referrals, birth certificates, ID's or transportation for transients/nonresidents is provided.
  4. **JOB CONTACTS.** Applicants and recipients for assistance may be required to 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.
- H) **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 the assistance or has failed to comply with any other requirements made as a condition of the assistance. The County may bring an action to recover any or all assistance obtained under improper qualifications.

5. In the event that transient/nonresident have received assistance for transportation out of town, and returns to Lincoln County, the applicants are ineligible for LCHS assistance for a minimum of three years from the date of assistance provided.
- I) 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 or payments provided from such other program or source must be repaid in full.
- J) REIMBURSEMENT: The Board shall exercise its right to reimbursement for the assistance provided to anyone pursuant to SDCL 28-13.
- K) SEVERABILITY: If any provision of these Guidelines 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 IV: The Applicant's Right to Know**

Applicants shall be informed of the following upon making application:

1. The eligibility requirements;
2. The type of assistance available to eligible applicants and recipients as noted in SDCL 28-13.
3. The applicant's responsibility for reporting all the information necessary to determine eligibility;
4. The applicant's responsibility for notifying the County of any change in circumstances which may affect eligibility;
5. The types of verification needed;
6. The fact that an investigation will be conducted to substantiate the facts and statements made by the applicant and that this investigation may take place prior to, during, and/or after the applicant's receipt of assistance;
7. Other programs of assistance or service for which the applicant may qualify;
8. The implications of a lien being placed, pursuant to SDCL 28-14, on property owned by the applicant for any financial assistance given; and
9. LCHS shall inform the applicant in writing that assistance of a stated kind or amount has been approved or denied, with the reasons for denial.

10. The applicant's right to a review if denied assistance, and the manner in which such review may be obtained.

**SECTION V: Emergency Services (Shelter, Utilities, Food, Personal Hygiene, Transportation, Burial, Dental, Medications and ID/Birth Certificates)**

**1. Eligibility**

**ORDINARY ELIGIBILITY**

- A) **REQUIREMENTS:** Before receiving any assistance, each applicant must be determined indigent as required by SDCL Ch. 28-13 as amended. This determination 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.
- B) **RESIDENCY:** In order to be entitled to assistance of ordinary eligibility, each applicant must:
1. 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.
  2. Present proof of identification by providing a photo ID (government issued) and Social Security card.
  3. 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.
  4. Await County verification of the application pursuant to administrative procedures and comply with all requests made by the county, as authorized and established herein.
- C) **ELIGIBILITY - 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 LCHS 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), investment 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. LCHS shall also consider all other forms of public assistance/benefits 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. The dollar amounts vested into the applicant by Federal and State housing subsidies shall not be double counted and will be identified as a resource that the County may not supplement. The receipt of monthly Federal or State assistance/benefits (such as, but not limited to Social Security) may satisfy any obligation of the County under SDCL 28-13.
  4. LCHS 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.
- D) UNEMPLOYMENT: In the absence of emergency conditions, applicants who refuse or quit employment, without cause, shall be 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 61-6-13.1.

### **TEMPORARY ELIGIBILITY**

Regardless of actual residency, but upon a proper showing of need, the county may grant the applicant temporary assistance for a period not to exceed thirty (30) days. All temporary assistance shall cease upon a showing of ordinary eligibility. Temporary assistance may be awarded in any amount up to, but not exceeding, the assistance that would otherwise be available under ordinary eligibility. Although the applicant shall simultaneously seek out other available resources, temporary assistance may be allowed in situations such as:

- a. An emergency threatening the applicant's life or health (i.e., tornado, flood, fire, sudden illness or injury, etc.);
- b. An unexpected misfortune during travels;
- c. An administrative delay in receiving other available assistance; or
- d. A stranded non-resident without other resources.

## **2. Application**

- A) APPLICANT: Any person has the right to apply for assistance; however, minors or legally declared incompetent persons may apply only through a parent or legal guardian. The applicant

may appear in person or through a representative with a signed, notarized and dated authorization to act as representative.

The applicant or representative must complete and sign the necessary LCHS application forms. LCHS shall review the application and secure a complete case history from the applicant (or the applicant's representative as appropriate).

B) **APPLICANT'S RESPONSIBILITIES:** The applicant's responsibilities at time of the initial application and continuing thereafter are:

1. The applicant shall provide accurate, complete, and current information relevant to the applicant's individual resources and needs, location and circumstances of next of kin or other lawfully responsible persons.
2. The applicant shall produce acceptable photo identification, 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 ID is procured, but no continuing assistance will be provided without appropriate identification. Exception to this would be for emergency transportation for a transient person where limited assistance is provided.
3. If continued or additional assistance is requested, a new application or request and recertification must be completed. The prior receipt of assistance from the County shall not automatically eliminate an applicant from receiving assistance.
4. The applicant shall comply with LCHS on any reasonable investigation to determine eligibility.
5. The applicant shall cooperate to seek and secure employment.
6. The applicant shall apply for and/or use other available resources known, made known, or available to the applicant which may reduce or eliminate the need for assistance if the applicant is eligible for such alternative resources.
7. The application shall not be considered complete until all information necessary to determine eligibility has been provided.
8. The applicant shall notify the County of any changes in circumstances which may affect eligibility.

C) **INTERVIEW:** Staff will interview the applicant to review the application and make a determination. If the person appears to be intoxicated, the County may postpone to a later time any consideration of the request for assistance.

D) **DECISION/NOTIFICATION:** The County shall make a final decision and give written notice concerning the applicant's eligibility within five (5) business days after the signature on a completed application and all information needed for eligibility purposes has been provided and verified. Once a decision has been made, LCHS shall inform the applicant in writing (Notice of Action) that assistance of a stated kind or amount has been approved or denied, with the reasons for denial.

### 3. Types of Assistance

#### A) SHELTER

1. Rent are available in the amounts set forth in Appendix B, and are set by the Lincoln County Commission. Rents will only be financially assisted once during the calendar year. Exceptions to this will be made by the Lincoln County Commission.
2. Assistance will not be granted for the following:
  - a. Rental application fees
  - b. Rent paid to immediate family members
  - c. Rent for minor children who are living outside their parents'/guardians' home
  - d. Rent for residents of subsidized housing except those applicants who pay a minimum rent regardless of their income
  - e. Rent for garage
  - f. Late fees or attorney fees
  - g. Rental deposits
  - h. Mortgage payments
3. Emergency Shelter. Community resources such as emergency shelters are to be utilized first. When emergency shelters and all other possible resources are not an option, County assistance may be provided at the discretion of LCHS to pay for a motel room on a temporary basis.

B) **UTILITIES ASSISTANCE:** Assistance for utilities (gas, electric, water) may be provided when notice of termination has been given by a utility company or energy supplier. 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, or reconnect fees. A maximum of \$400 per calendar year may be approved. When providing assistance for utilities, all other public resources, i.e., TANF, LIEP, ECIP, utility checks from SF Housing, etc, must have been exhausted prior to assistance being provided by the County. Financial assistance for utilities may be made only once per calendar year. Additional assistance is to be approved by the Lincoln County Commission.

#### C) FOOD ASSISTANCE

1. Applicants for emergency food requests shall apply for benefits available under the Federal SNAP Program.

2. 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.

3. The dollar amount of the Emergency food voucher will be based on SNAP allowances.

D) **TRANSPORTATION ASSISTANCE:** Help for emergency transportation (gas and out of town bus tickets) may be provided when the applicant has a verifiable job or are unable to work because of a verifiable illness/disability. Help to people stranded or moving may be given up to \$155 for bus ticket per person or up to 20 gallons of gasoline and 3 quarts of oil, at the discretion of the caseworker. Should the applicant return to Lincoln County, the applicant is ineligible for LCHS assistance for a minimum of three years from the date of assistance.

E) **BURIAL AND FUNERAL ASSISTANCE:** When an indigent person dies, the County has a responsibility for burial. Statute 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 LCHS. 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/funeral assistance per SDCL 34-26A-2. The authorization for cremation will be the same as burial. Per Statute 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 time of death, and if no residence can be fixed, then by the County by which the death occurred.

1. The selection of the funeral home shall be determined by the decedent's family or by any other person legally entitled to make such decision.

2. For those County residents who die in a state of indigency or who are otherwise qualified under SDCL 28-17, the LCHS shall allow burial and funeral expenses of a maximum of \$2500.

- i. This cost will include the cost of the casket, grave liner, professional services, transport of the body, mileage, burial plot, opening/closing of the grave site, one public notice of the death and announcement of services, and family services/viewing. Viewing may not be excluded because the decedent was indigent.

- ii. Services provided will not include a tent at the cemetery, gratuities, memorial folders, flowers or cost of clothing for the deceased.

- iii. In the event of cremation, Lincoln County will pay the "at cost" up to the maximum of \$2,500.

3. The Funeral Home shall provide a financial statement to the County listing the date of publication and itemization of the services and merchandise provided.

4. County payment must be authorized prior to the funeral service. In determining eligibility for assistance on the costs of a burial; the ability of the surviving family

members to pay the burial cost will be the determinant for County assistance subsequent to the indigency of the deceased.

5. Surviving spouse or parent of a minor child will be subject to a lien for the cost of the burial/funeral.
6. Payment by Lincoln 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.

**F) OTHER:**

1. Personal Hygiene and Household Items. For good cause shown, a non-food voucher may be issued to allow for the purchase of personal items.
2. Birth Certificates and State of SD photo identification. For employment purposes, Lincoln County may provide financial assistance in obtaining a state photo identification card and/or a birth certificate on a one-time basis.
3. Dental: Assistance may be provided for emergency dental care in accordance with Medicaid rates and rules. This assistance will be provided after other community resources have been exhausted. Pre-authorization is required and retroactive payments for services already rendered will not be approved.
4. Eye Care: Assistance may be provided for eye care when necessary for employment and after other community resources have been exhausted. Pre-authorization is required, reimbursement shall be at Medicaid rates, and payment will not be made on services already rendered.
5. Medications: The County may purchase only medically prescribed medications or over-the-counter medications ordered by a physician and needed on an emergency basis. No payment will be made for medications not approved by the F.D.A. Generic medications shall be used unless otherwise prescribed and medically required and physician approved.

**SECTION VI: MEDICAL ASSISTANCE**

**1. Eligibility**

- A) **INDIGENT REQUIREMENTS:** Before receiving any assistance, each applicant must be determined indigent as required by SDCL Ch. 28-13 as amended. This determination 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.

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 the application for assistance. If the applicant is indigent, but later achieves self-sufficiency and the capacity to meet obligations as they become due, the amount of assistance shall reflect this later capacity and the applicants' attainment of self-sufficiency.

Lincoln County shall follow SDCL 28-13-27 for determination of "Indigent by Design".

- B) RESIDENCY: 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. As defined in SDCL 28-13-14, residency is not established by residence in a health care facility.

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.

In order to be entitled to assistance, each applicant must:

1. Prove County residency by demonstrating personal presence in a fixed, permanent abode with an intent to remain there, in conformity with SDCL 28-13-3 or as otherwise provided by state law.
2. Present proof of identification by providing a photo ID (government issued) and Social Security card.
3. 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.
4. Await County verification of the application pursuant to administrative procedures and comply with all requests made by the county, as authorized and established herein.

- C) ELIGIBILITY - INCOME AND RESOURCES: Financial eligibility is based on several factors.

1. Lincoln County uses Federal Poverty Standard (Appendix A) for medical care that is preauthorized.
2. For emergency hospitalizations claims Lincoln County will follow State Statutes and the Ability to Pay Form for determining financial eligibility.
3. If a person is determined "Indigent By Design" as defined by State Statute, assistance will not be provided for either preauthorization or emergency care.
4. In the case that a claim is submitted to the State Catastrophic Pool for reimbursement, then the Ability to Pay Form must be completed and submitted for both preauthorization and emergency requests.

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.

E) **TRANSIENT ELIGIBILITY:** Regardless of actual residency, but upon a proper showing of need, the County may grant the applicant temporary assistance for a period not to exceed thirty (30) days. The transient person would still need to meet all other terms of eligibility. Although the applicant shall simultaneously seek out other available resources, temporary assistance may be allowed in situations such as:

1. An emergency threatening the applicant's life or health (i.e., tornado, flood, fire, sudden illness or injury, etc.);
2. An unexpected misfortune during travels;
3. A stranded non-resident without other resources.

## **2. Application**

A) **APPLICANT:** Any person has the right to apply for assistance; however, minors or legally declared incompetent persons may apply only through a parent or legal guardian. The applicant may appear in person or through a representative with a signed, notarized and dated authorization to act as representative.

The applicant or representative must complete and sign all necessary LCHS application forms along with release of information forms from the medical provider. LCHS shall review the application and secure a complete case history from the applicant (or the applicant's representative as appropriate).

B) **APPLICANT'S RESPONSIBILITIES:** The applicant's responsibilities at time of the initial application and continuing thereafter are:

1. The applicant shall provide accurate, complete, and current information relevant to the applicant's individual resources and needs, location and circumstances of next of kin or other lawfully responsible persons.
2. The applicant shall produce an 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.
3. If continued or additional assistance is requested, a new application or request and recertification must be completed. The prior receipt of assistance from the County shall not automatically eliminate an applicant from receiving assistance.
4. The applicant shall comply with LCHS on any reasonable investigation to determine eligibility.

5. The applicant shall cooperate to seek and secure employment.
  6. The applicant shall apply for and use other available resources known or made known to the applicant which may reduce or eliminate the need for assistance if the applicant is eligible for such alternative resources.
  7. The applicant shall notify the County of any changes in circumstances which may affect eligibility.
- C. INTERVIEW: Staff will interview the applicant to review the application and make a determination. If the person appears to be intoxicated, the County may postpone to a later time any consideration of the request for assistance.
- D. DECISION/NOTIFICATION: The County shall make a final decision and give written notice concerning the applicant's eligibility. Once a decision has been made, LCHS shall inform the applicant in writing (Notice of Action) that assistance of a stated kind or amount has been approved or denied, with the reasons for denial.
- E. HOSPITAL APPLICATION: This application is sent by the hospital to the County of residence for persons of indigent status. Pursuant to SDCL 28-13 this application must be submitted within one (1) year of the discharge date to the County Auditor/Welfare office. If this application is not sent in the time allotted, the County is not liable for the person's hospital expenses.

### **3. Medical Specific Guidelines**

- A. There shall be a distinction between "emergency" and "non-emergency" medical and/or hospital care assistance.
1. Non-emergency procedures, also referred to as pre-authorizations, are not required by statute, and approval is dependent on the status of the LCHS budget. The budget will be reviewed quarterly to determine the ability of the County to provide this financial assistance and will be at the discretion of the Lincoln County Commission. For non-emergency assistance, the applicant shall first make application and receive the County's approval for such assistance prior to the actual receipt of the care. The County shall expect direct involvement of the applicant; and only secondary involvement from the care-giver.
- B. Priorities for Assistance: Medical assistance shall be provided in the following priority: hospital expenses, doctor expenses, and auxiliary medical expenses. The County is not bound by statute to fund the latter two categories of expense and reserves the right to make partial payment of said expenses, as circumstance may dictate. Reimbursement may be made at the Medicaid rates and rules and 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. **Childbirth:** All costs related to the birth of a child are the responsibility of the parents. The County is not liable for the cost of medical care related to the birth of a child or costs related to miscarriage or delivery by caesarean section.
- D. **Organ Transplant and Extra Ordinary Care.** Any care which is projected to cost more than 5% of the LCHS medical budget will not be granted until the following is established:
  1. That the same 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;
  2. That the care will not jeopardize the funding of health care services already available within the county;
  3. That the care is reasonable and necessary;
  4. 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 criteria established by the care-provider; and
  5. 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.
- E. **Medical Equipment:** Medical equipment may be purchased or rented when prescribed by the attending physician. Retroactive payment for purchase/rental shall not be made. Equipment not on Medicaid's approved list will not be covered by LCHS.
- G. **Catastrophic Fund:** Lincoln County will participate in the Catastrophic County Poor Relief Program, administered by the SD Association of County Commissioners.

**SECTION VII: HUMAN SERVICES CENTER**

Eligibility, and application shall follow the Guidelines of Emergency Services in Section V.

- A) **Mental Illness (Voluntary):** Lincoln County may consider payment for the admittance fees to the Human Services Center (HSC) only. For consideration, the person must be a County resident for 60 days, indigent, meet the Emergency Services income limits (Federal Poverty Standards) and be referred by a licensed mental health provider. Payment of such fees are voluntary on the part of Lincoln County, must be pre-authorized by LCHS, and are not required by State law.
- B) **Drug and Alcohol Treatment:** Treatment for chemical dependency may be authorized if the applicant has not been in any residential alcohol treatment program within the twelve (12) months prior to application. The County will authorize payments only to Human Services Center for voluntary treatment of alcoholism and payment will be for the admittance fees only. For consideration, the person must be a County resident for 60 days, indigent, meet the

Emergency Services income limits (Federal Poverty Guidelines) and be referred by a licensed mental health provider. Payment of such fees are voluntary on the part of Lincoln County, must be pre-authorized by LCHS, and are not required by State law.

### **SECTION VIII: Notice of Review for Denial: Appeal**

- A) **NOTICE:** Whenever a decision is made to grant or deny assistance, a written notice of the action (NOA) shall be given personally or by mail to the applicant at the applicant's last known address. If the application is denied or the County proposes to terminate, suspend or reduce assistance, the notice shall contain:
1. A statement of the reason for the denial or proposed action; and
  2. A statement advising the person of his/her right to a review hearing and the procedure for such review. All decisions denying or limiting assistance shall be made known to the applicant in writing. When a decision adversely affects the person, the person shall be notified that he/she has 15 business days to appeal the decision. The applicant shall also be notified of the procedures necessary for filing an appeal.
- B) **APPEAL:** Whenever an applicant has received notice of denial, the person(s) adversely affected may thereafter request an appeal.

The procedure for appeals for a Case Review is as follows:

1. The applicant must notify LCHS in writing of his/her request for appeal within 15 business days of the date the notice of action was written.
2. The LCHS director or designee will meet with the applicant for a Case Review of the decision within five (5) business days of the receipt of the request.
3. The LCHS director or designee will review the case for appropriate action and may at that point uphold or reverse the decision of the caseworker. A notice of action detailing the decision will be provided to the applicant within five (5) business days following the receipt of all information required to determine eligibility.

The procedure for appeals to the County Commission is as follows:

1. The applicant must notify the County Commission Office in writing of his/her request for appeal.
2. Within five (5) business days following the request for an appeal, the County Commission Office shall set a time and place for the appeal hearing. The time and place shall be during the next regularly scheduled Commission meeting, if reasonably possible.

3. The Commission Office shall notify the person in writing of the time and place of the hearing that he/she has the right to personally appear before the Commission, to call witnesses, to present information, and to be represented.
4. The Commission shall consider the appeal de novo, taking into consideration any information that may be presented at the time of the appeal. The auditor shall keep a record of the hearing.
5. Within five (5) business days following the hearing, the Board shall render a decision based on the facts presented at the hearing and shall provide the person with a written notice of its decision. If the hearing does not provide the assistance desired or requested by the person, the notice shall contain information indicating that he/she may seek assistance as provided in SDCL 28-13-40.

The applicant(s) shall enjoy the right to an impartial hearing, the right to be personally present, the right to be represented by counsel at his or hers own expense, the right to produce evidence and participate in the proceedings, the right to subpoena and cross examine witnesses as allowed by law, and the right to written notices and record of the decisions made therein.

**APPENDIX A INCOME GUIDELINES**

Source: Federal Poverty Standards  
 Date Updated: January 26, 2012  
 Anticipated Next Update: Unknown

<u>HH #</u>	<u>Month</u>	<u>Annual</u>
1 Person:	\$931	\$11,170
2 People:	\$1,261	\$15,130
3 People:	\$1,591	\$19,090
4 People:	\$1,921	\$23,050
5 People:	\$2,251	\$27,010
6 People:	\$2,581	\$30,970
7 People:	\$2,911	\$34,930
8 People:	\$3,241	\$38,890

(For Each Additional HH Member Add \$330 per Month or \$3,960 per Year)

**APPENDIX B HOUSING ALLOWANCE**

Source: Lincoln County Commission  
 Last Update: 2011

The maximum rental supplement, per household per month, shall not exceed the following, excluding utilities.

- a. Studio (1 person) up to \$350

- |                      |                    |             |
|----------------------|--------------------|-------------|
| b. 1 bedroom         | (1-3 people)       | up to \$400 |
| c. 2 or more bedroom | (3 or more people) | up to \$500 |