DEPARTMENT: County Counsel    BY: Thomas P. Guarino    PHONE: 966-3222

RECOMMENDED ACTION AND JUSTIFICATION:

Resolution adopting indigent aid and care standards for Mariposa County.

Welfare and Institutions Code Sections 17000, 17001, and 17001.5 require counties and cities to set standards of aid and care for the indigent. (Sections attached).

BACKGROUND AND HISTORY OF BOARD ACTIONS:

This matter was brought to the County’s attention by lawsuits which occurred in other counties. The draft Resolution has been reviewed by the Human Services Director with respect to medical standards and services and has been reviewed with the County Administrative Officer regarding financial impact.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

The County would have no indigent care standard.

Financial Impact? ( ) Yes ( ) No Current FY Cost: $          Annual Recurring Cost: $
Budgeted In Current FY? ( ) Yes ( ) No ( ) Partially Funded
Amount in Budget: $                      List Attachments, number pages consecutively
Additional Funding Needed: $                  6 W&I §17000, 17001, 17001.5
Source:
Internal Transfer                         7 Draft Resolution
Unanticipated Revenue 4/5's vote
Transfer Between Funds 4/5's vote
Contingency 4/5's vote
( ) General ( ) Other

CLERK’S USE ONLY:
Res. No. S-446     Ord. No. _____
Vote – Ayes: 5    Noes: ___
Absent: ___

Approved ( ) Minute Order Attached ( ) No Action Necessary

The foregoing instrument is a correct copy of the original on file in this office.

Date: ________________

Attest: MARGIE WILLIAMS, Clerk of the Board
County of Mariposa, State of California

By: ____________________________
    Deputy

COUNTY ADMINISTRATIVE OFFICER:

Requested Action Recommended    No Opinion

Comments: _____________________________

CAO: ________________________________
MARIPOSA COUNTY RESOLUTION NO. 04-446

RESOLUTION ADOPTING COUNTY INDIGENT AID AND CARE STANDARDS

WHEREAS, the County of Mariposa has mandates imposed by Part 5, Division 9 of the California Welfare and Institutions Code for indigent care; and

WHEREAS, it is the intent of the County of Mariposa to clarify the standards of aid and care for indigents.

NOW, THEREFORE, BE IT RESOLVED that the Mariposa County Board of Supervisors, a political subdivision of the State of California, hereby approves and adopts the County Indigent Aid and Care Standards attached hereto as Exhibit "A" as the County of Mariposa's standards for the medical care of indigent residents of the County of Mariposa, effective immediately.

PASSED AND ADOPTED this 5th day of October 2004 by the Board of Supervisors, County of Mariposa, State of California, by the following vote:

AYES: STETSON, BALMAIN, BIBBY, PARKER, PICKARD
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE

[Signature]
GARRY R. PARKER, Chairman
Mariposa County Board of Supervisors

ATTEST:

[Signature]
MARGIE WILLIAMS
Clerk of the Board

APPROVED AS TO FORM:

[Signature]
THOMAS P. GUARINO
County Counsel
EXHIBIT A

MARIPOSA COUNTY
INDIGENT MEDICAL AID AND CARE STANDARDS

Pursuant to California Welfare and Institutions Code, Section 17001, the Mariposa County Board of Supervisors hereby adopts the following regulations and standards of medical aid and care for the indigent residents of the County of Mariposa.

I. ELIGIBILITY

A. The County of Mariposa will provide medical aid and care only to a Mariposa County medically indigent patient directly.

B. A County of Mariposa medically indigent patient is a person resident of Mariposa County as contemplated by Part 5 of Division 9 of the California Welfare and Institutions Code who:

1. Is not entitled to medical benefits under any federal medical services program; and

2. Is not entitled to medical benefits under any state medical services program; and

3. Does not have contractual entitlements (e.g., private insurance sufficient to meet the cost of hospital or medical care); and

4. Is not entitled to medical benefits under the County Medical Services Program (CMSP); and

5. Lacks sufficient income to meet the cost of hospital or medical care and whose other assets are so limited that their application towards the cost of medical care would jeopardize the person's or family's future minimal self maintenance and security.

C. Eligibility determination shall be made by the Director of the Mariposa County Human Services Department or a designee, located at 5186 Highway 49 North, Mariposa County, California. All determinations of indigent status will be made after the completion and submission by the indigent patient or his or her authorized representative of either a Medi-Cal or CMSP application as applicable. Applicants denied indigent status shall have appeal rights and fair hearing rights under the Medi-Cal or CMSP application procedure, as applicable.

D. Responsible relatives may be required to assist in the costs of medical services for indigent care. Relative responsibility shall be as set forth in California Welfare and Institutions Code, Section 17300.
E. All persons, including medically indigent persons, who receive medical services from the County of Mariposa, are obligated to reimburse the County for services received. All patients classified as medically indigent shall be required to sign a reimbursement agreement providing for a lien to the County of Mariposa, pursuant to Part 5, Division 9, of the California Welfare and Institutions Code, except when this requirement is prohibited by federal or state law. Eligibility as a medically indigent patient shall be denied to any person who refuses to comply with the requirements of this section.

II. SERVICES

Covered medical services for eligible indigent patients are limited to those medical services for which the care, treatment and surgery by a physician is necessary to relieve or eliminate a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could presumably be expected to result in disability or death.

The following services are specifically not covered as Mariposa County services for indigents:

1. All dental services except for emergency dental services necessary to alleviate substantial pain, to treat infection, to maintain basic function, and to care for dental condition which present a serious health risk;

2. Long term care;

3. Optometry and eye appliances;

4. Podiatry;

5. Adult day health care;

6. Chiropractic services;

7. Occupational therapy, speech pathology and audiology; and

8. Any elective or cosmetic procedure.
III. COUNTY CONTACTS

A. Eligibility

Eligibility determination questions are to be directed to the Mariposa County Human Services Director or a designee located at 5186 Highway 49 North, (P.O. Box 7) Mariposa, Mariposa County, California.

B. Medical Services

Medical services and program questions are to be directed to the Mariposa County Human Services Director or designee at 5186 Highway 49 North, (P.O. Box 7) Mariposa, Mariposa County, California.
Section 17012.5. Ineligibility for nonhealth care benefits.

17015. Ineligibility for general assistance programs; fraudulent acts for purpose of establishing or maintaining eligibility; period of ineligibility.

17016. Eligibility for aid; fleeing to avoid prosecution or custody and confinement after conviction; violation of condition of probation or parole.

17020. Eligibility; persons eligible for aid to families with dependent children.

17021. Eligibility for aid; eligible for or receiving aid under Chapter 2 of Part 3; application to health care benefits.

17030. Services reduced or eliminated from Medi-Cal program; persons eligible for Medi-Cal services.

17030.1. Services reduced or eliminated from Medi-Cal program; persons eligible for services under this part.

Chapter 1 was added by Stats.1965, c. 1784, p. 4090, § 5.

Application

Application of Part 5 during an economic emergency, see Welfare and Institutions Code §§ 18451, 18452.

Cross References

Authority of supervisors as to aid under this chapter, exercise by agent, see Welfare and Institutions Code §§ 10804, 10804.1.

Temporary custody of minors, consideration by social worker of referral to public assistance pursuant to this chapter as eliminating the need for custody, see Welfare and Institutions Code § 306.

§ 17000. Residents

Every county and every city and county shall relieve and support all incompetent, poor, indigent persons, and those incapacitated by age, disease, or accident, lawfully resident therein, when such persons are not supported and relieved by their relatives or friends, by their own means, or by state hospitals, or other state or private institutions.

(Added by Stats.1965, c. 1784, p. 4090, § 5.)

Historical and Statutory Notes

Amendment of this section by Initiative Measure (Prop. 165) was rejected at the Nov. 3, 1992, election.


Cross References

Assistance to homeless persons, see Government Code § 15290 et seq.

California Healthcare for Indigents Program (CHIP), Administration of funds, see Welfare and Institutions Code § 16942.

Homeless Relief Pilot Project, use of funds, see Government Code § 15295.

Obligation to continue benefits under this section, see Welfare and Institutions Code § 16995.1.

Contracts for care of indigent sick or dependent poor, see Health and Safety Code § 1451.

Local administration of county public social services, see Welfare and Institutions Code § 10800 et seq.

Qualification for aid, residence, see Welfare and Institutions Code § 11102.

Residence, determination of place of, see Government Code § 244.

Residence in state and county, aid to indigents, see Welfare and Institutions Code § 17100.
§ 17001. Standards

The board of supervisors of each county, or the agency authorized by county charter, shall adopt standards of aid and care for the indigent and dependent poor of the county or city and county.


Historical and Statutory Notes


Cross References

Aid, defined, see Welfare and Institutions Code § 10052.
County policies on amount of property allowed a person receiving assistance, see Welfare and Institutions Code § 17107.
Inspection of public records, see Government Code § 6250 et seq.

Law Review and Journal Commentaries


Library References

WESTLAW Topic No. 356A.
C.J.S. Social Security and Public Welfare §§ 6 to 7, 10.

Legal Jurisprudences

Cal Jur 3d Pub Aid §§ 28, 35; State § 78.5.

Notes of Decisions

Inflation, standards 9
Medical care, standards 17
Penalties, standards 10
Pleadings, standards 19
Public records, standards 12
Records, standards 12
Reduction, standards 8
Review, standards 5
Sanctions, standards 10

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COUNTY AID AND RELIEF TO INDIGENTS

§ 17001.5

§ 17001.5. Board of supervisors' powers; residency requirements; standards of general assistance; discontinuance of aid; evaluation; methods of providing aid

(a) Notwithstanding any other provision of law, including, but not limited to, Section 17000.5, the board of supervisors of each county, or the agency authorized by the county charter, may do any of the following:

(1) (A) Adopt residency requirements for purposes of determining a person's eligibility for general assistance. Any residence requirement under this paragraph shall not exceed 15 days.

(B) Nothing in this paragraph shall be construed to authorize the adoption of a requirement that an applicant or recipient have an address or to require a homeless person to acquire an address.

(2) (A) Establish a standard of general assistance for applicants and recipients who share housing with one or more unrelated persons or with one or more persons who are not legally responsible for the applicant or recipient. The standard of general assistance established pursuant to Section 17000.5 for a single adult applicant or recipient may be reduced pursuant to this paragraph by no more than the following percentages, as appropriate:

(i) Fifteen percent if the applicant or recipient shares housing with one other person described in this subparagraph.

(ii) Twenty percent if the applicant or recipient shares housing with two other persons described in this subparagraph.

(iii) Twenty-five percent if the applicant or recipient shares housing with three or more other persons described in this paragraph.

(B) Any standard of aid adopted pursuant to this paragraph shall constitute a sufficient standard of aid for any recipient who shares housing.
§ 17001.5

(C) Counties with shared housing reductions larger than the amounts specified in subparagraph (A) as of August 19, 1992, may continue to apply those adjustments.

(3) Discontinue aid under this part for a period of not more than 180 days with respect to any recipient who is employable and has received aid under this part for three months if the recipient engages in any of the following conduct:

(A) Fails, or refuses, without good cause, to participate in a qualified job training program, participation of which is a condition of receipt of assistance.

(B) After completion of a job training program, fails, or refuses, without good cause, to accept an offer of appropriate employment.

(C) Persistently fails, or refuses, without good cause, to cooperate with the county in its efforts to do any of the following:

(i) Enroll the recipient in a job training program.

(ii) After completion of a job training program, locate and secure appropriate employment for the recipient.

(D) For purposes of this paragraph, lack of good cause may be demonstrated by a showing of any of the following:

(i) The willful failure, or refusal, of the recipient to participate in a job training program, accept appropriate employment, or cooperate in enrolling in a training program or locating employment.

(ii) Not less than three separate acts of negligent failure of the recipient to engage in any of the activities described in clause (i).

(4) Prohibit an employable individual from receiving aid under this part for more than three months in any 12-month period, whether or not the months are consecutive. This paragraph shall apply to aid received on or after the effective date of this paragraph. This paragraph shall apply only to those individuals who have been offered an opportunity to attend job skills or job training sessions.

(5) Notwithstanding paragraph (3), discontinue aid to, or sanction, recipients for failure or refusal without good cause to follow program requirements. For purposes of this subdivision, lack of good cause may be demonstrated by a showing of either (A) willful failure or refusal of the recipient to follow program requirements, or (B) not less than three separate acts of negligent failure of the recipient to follow program requirements.

(b)(1) The Legislative Analyst shall conduct an evaluation of the impact of this section on general assistance recipients and applicants.

(2) The evaluation required by paragraph (1) shall include, but need not be limited to, all of the following:

(A) The impact on the extent of homelessness among applicants and recipients of general assistance.

(B) The rate at which recipients of general assistance are sanctioned by county welfare departments.