



# Yankton County Poor Relief Guidelines

**Guidelines for Yankton County Medical Indigence, Yankton, SD**

Adopted by Yankton County Commission on August 16, 2022

## TABLE OF CONTENTS

I.	STATEMENT OF PURPOSE.....	1
II.	DEFINITIONS.....	2-3
	1. Actual Cost of Hospitalization	
	2. Applicant	
	3. Board	
	4. County	
	5. Emergency Hospital Services	
	6. Non-Emergency Care	
	7. Indigent Person	
	8. Indigent by Design	
	9. Household	
	10. YCMI	
	11. Notice of Action	
	12. Recipient	
	13. Resident	
	14. Resources	
	15. Representative	
III.	GENERAL ADMINISTRATION.....	3-5
	1. Public Access to Guidelines	
	2. Confidentiality	
	3. Non-Discrimination	
	4. Hospital Responsibility	
	5. Continuing Assistance	
	6. Obligation in the Presence of Public Assistance	
	7. Conditions of County Assistance	
	8. Disqualifications	
	9. Subrogation	
	10. Reimbursement	
	11. Severability	
IV.	THE APPLICANTS' RIGHT TO KNOW.....	5-6
V.	APPLICATION PROCESS & RESPONSIBILITIES OF APPLICANT.....	6-7
VI.	CONDITIONS OF ELIGIBILITY.....	7-10
	1. Medical Indigency	
	2. Exceptions to Medical Indigency	
	3. Residency	
	4. Income and Resources	

	5. Other Resouces/Assistance	
VII.	MEDICAL SPECIFIC GUIDELINES.....	10-11
	1. Medical Assistance Prioritization	
	2. Childbirth	
	3. Organ Transplants	
	4. Experimental Procedures	
	5. Medical Equipment	
	6. Mental Illness (Voluntary)	
	7. Drug and Alcohol Treatment	
VIII.	NOTICE OF REVIEW FOR DENIAL: APPEAL PROCESS.....	11-12
IX.	ECONOMIC ASSISTANCE – CONTACT CENTER.....	12-14
	1. Emergency Shelter	
	2. Rent Assistance	
	3. Utilities Assistance	
	4. Food Assistance	
	5. Transportation Assistance	
X.	BURIAL AND FUNERAL EXPENSE ASSISTANCE.....	14-15
XI.	APPENDIX A – INCOME GUIDELINES.....	16

# SECTION I

## STATEMENT OF PURPOSE

The Yankton 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>.

Yankton 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 for emergency medical care.

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. Such requirements/limitations are set forth in the following sections. However, for good cause shown, the County reserves the right to make exceptions.

The Yankton County Commission provides assistance for medical indigence, relief for emergency hospital care, catastrophic county poor relief, and county burials. All other types of assistance for the indigent in need are referred to the Contact Center located in the Yankton County Government Building.

The guidelines set forth in this document are intended to be used in conjunction with state and/or federal statutes. In the event of any conflict, state and/or federal statute shall supersede.

# SECTION II

## DEFINITIONS

1. **ACTUAL COST OF HOSPITALIZATION:** The actual cost to a hospital providing hospital services to a medically indigent person, determined by applying the ratios of costs to charges appearing on the statement of costs required in SDCL 28-13-28 to charges at the hospital in effect at the time the hospital services are provided.
2. **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.
3. **BOARD:** The Yankton County Commission, which is the authority that sets guidelines and policy.
4. **COUNTY:** Yankton County, including any office or individual(s) designated by the Board to administer the Poor Relief Program in the County.

5. EMERGENCY HOSPITAL SERVICES: Treatment in the most appropriate hospital available to meet the emergency need. The physician, physician assistant, or nurse practitioner on duty or on call at the hospital must determine whether the individual requires emergency hospital care. The need for emergency hospital care is established if the absence of emergency care is expected to result in death, additional serious jeopardy to the individual's health, serious impairment to the individual's bodily functions, or serious dysfunction of any bodily organ or part. The term does not include care for which treatment is available and routinely provided in a clinic or provider's office.
6. NON-EMERGENCY CARE: Hospitalization which is medically necessary and recommended by a provider licensed under SDCL Chapter 36-4; but does not require immediate care or attention. This requires pre-authorization before the procedure is performed. By statute, the County is not liable for these types of hospital expenses.
7. INDIGENT PERSON: Any person who is determined to be indigent in accordance with South Dakota law in SDCL 28-13 and these guidelines.
8. INDIGENT BY DESIGN: An individual who meets any one of the following criteria is considered indigent by design:
  - a. Is able to work but has chosen not to work.
  - b. Is a student at a postsecondary institution who has chosen not to purchase health insurance.
  - c. Has failed to purchase or elect major medical health insurance or health benefits made available through an employer-based health benefit plan although the person was financially able, pursuant to SDCL 28-13-32.11, to purchase or elect the insurance or health benefits.
  - d. Has failed to purchase available major medical health insurance although the individual was insurable and was financially able, pursuant to SDCL 28-13-32.11 to purchase the insurance. For purposes of this subdivision, an individual is presumed insurable unless the individual can produce sufficient evidence to show that the individual was declined major medical insurance by an insurance company and the individual did not qualify for any guarantees of major medical insurance available through any legal or contractual right that was not exercised.
  - e. Has transferred resources for purposes of establishing eligibility for medical assistance available under the provisions of this chapter. The look back period for making this determination includes the thirty-six month period immediately prior to the onset of the individual's illness and continues through the period of time for which the individual is requesting services.
9. HOUSEHOLD: The applicant, minor children living with the applicant and anyone else living with the applicant to whom the applicant has the legal right to look for support.
10. YCMI: Yankton County Medical Indigence.

11. NOTICE OF ACTION: Each application shall receive a Notice of Action documenting their request and action taken by the Board.
12. RECIPIENT: The Person receiving assistance under these guidelines.
13. RESIDENT: Any person who has established residency in the County, as residency is defined in SDCL 29-13-2 to 29-13-16.2 inclusive.
14. RESOURCES: Current assets, 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.
15. REPRESENTATIVE: The person who is making application on behalf of the applicant.

## SECTION III

### GENERAL ADMINISTRATION

The Yankton County Board of Commissioners shall have the oversight and care of indigent persons and shall administer relief through these guidelines. County assistance is a **RESOURCE OF LAST RESORT**, available only after all other governmental programs, insurance benefits, family assistance or other aid has been exhausted.

1. 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 also make the guidelines available via other means, such as posting them on the Yankton County website. These Guidelines are subject to periodic review and may be changed by the Board. Any changes made to the Guidelines shall take effect prospectively.
2. CONFIDENTIALITY: Information given 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:
  - a. Upon written authorization of the applicant or recipient.
  - b. Upon appropriate order from a competent court.
  - c. To other public officials for whom such information is necessary in the performance of their official duties.
  - d. When the safety of an individual is at risk or a person or society is threatened.
  - e. As otherwise provided by South Dakota law.

These guidelines shall not be construed to impair access of the public to any record required to be available for public inspection by state law.

3. NON-DISCRIMINATION: YCMI shall not discriminate among applicants for, or recipients of assistance on the basis of the individuals, 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.
4. HOSPITAL RESPONSIBILITY: If a hospital submits an application to YCMI for hospital services provided on behalf of an individual who is medically indigent, the hospital must first demonstrate that it has exhausted ALL avenues of payment including accepting reasonable monthly payments from the person who does not have the ability to pay the hospital in one lump sum at the time of discharge.
5. 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 made only upon a new request and application or recertification of a prior application. Optional assistance provided by the County may only be granted one (1) time during a twelve (12) month period.
6. OBLIGATION IN THE PRESENCE OF PUBLIC ASSISTANCE: The County shall consider all other forms of public assistance/benefits (Federal & 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.
7. CONDITIONS OF COUNTY ASSISTANCE: The following conditions may be made a part of any grant of assistance:
  - A. WORKFARE: When assistance is granted, the applicant may be required to perform labor or other services of a public nature commensurate with the amount of assistance granted. (SDCL 28-13-20)
  - B. CONTRACT TO REPAY: When assistance is granted, the County may enter into an agreement for 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).
  - C. 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.
  - D. JOB CONTACTS: Applicants and recipients for assistance may be required to verify attempts that have been made to obtain employment.
  - E. CHILD SUPPORT: Applicants are to be identifying and securing all financial assistance options, including child support.
8. DISQUALIFICATIONS: Assistance may be denied or terminated for any of the following reasons:
  - A. 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).

- B. The person assigned or transferred property at any time before or after making application for purposes of becoming eligible for assistance. (SDCL 280-13-43).
  - C. The person has failed to responsibly perform the duties set forth in these Guidelines.
  - D. 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 proper qualifications.
9. SUBROGATIONS: 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.
10. REIMBURSEMENT: The Board shall exercise its right to reimbursement for the assistance provided to anyone pursuant to SDCL 28-13.
11. SEVERABILITY: If any provision of these guidelines and rules, 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**

### **APPLICANTS' RIGHT TO KNOW**

- 1. 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.
- 9. YCMI 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.
- 10. The applicant's right to appeal denied assistance, and the appeal process.



Yankton County may review the need for emergency room treatment, an admission, a transfer, a continued stay, or inpatient surgical services. At its option, the County may request the Department of Social Services to provide the needed review on the County's behalf. In either case, the review shall be conducted by or under the supervision of a physician licensed under Chapter 36-4 and shall be consistent with generally accepted medical practice guidelines. (SDCL 28-13-37.1)

Yankton County may request the services of Medicaid Utilization Review Process to determine payment rates, extended length stay, experimental procedures, and medically necessary hospital services. The determination made by the Medicaid Utilization Review is not binding upon the County.

Yankton County reserves the right to alternative care. In any case of hospitalization of a medically indigent person, the County, through any elected officer or through an employee, may arrange for adequate and suitable care of the person elsewhere. If the County notifies the hospital in writing of its arrangement for the removal of the medically indigent person and the hospital unreasonably fails or refuses to cooperate in effecting the change, the County is not liable for any hospitalization subsequent to the hospital's failure or refusal to cooperate. (SDCL 28-13-35)

## **SECTION V**

### **APPLICATION PROCESS & RESPONSIBILITIES OF APPLICANT**

The applicant must complete an application for assistance. If the applicant is a minor or legally declared an incompetent person, the application must be completed by a parent or legal guardian.

In addition to completing the application form, the applicant must:

- A. 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.
- B. Provide documentation to verify the applicant's resources, income, and expenses.
- C. Provide the location of next of kin or other lawfully responsible persons for support of the applicant.
- D. Provide acceptable photo identification (preferably a valid state issued ID card or driver's license), a 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 identification is procured, but continuing assistance will not be provided without appropriate identification.
- E. Sign a release of medical information, financial information and general information (DSS, Social Security, SD Career Center, etc.).

- F. 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 benefits or resources.
- G. Notify the County of any changes in circumstances which may affect eligibility. The application is not considered complete until all facts necessary to determine eligibility have been provided and the application has been signed by the applicant and/or the responsible person.
- H. Comply with the County on any reasonable investigation to determine eligibility.
- I. The applicant shall cooperate to seek and secure employment if medically released to work.

YCFMI Staff will review the application and interview the applicant to make a determination. The applicant or recipient must cooperate with the interview and any reasonable investigation. If the applicant fails to cooperate with the application process, the County may consider the application withdrawn. If the person appears intoxicated, the county may postpone to a later time any consideration of the request for assistance.

Throughout the application process, the County is available to assist the applicant in understanding the eligibility requirements, the type of assistance available to eligible applicants and recipients as noted in SDCL 28-13, other programs of assistance or service for which the applicant may qualify, and the implications of a lien being placed, pursuant to SDCL 28-14, on property owned by the applicant for any financial assistance given.

The County will make a decision and give written notice (Notice of Action) concerning the applicant's eligibility in a timely manner. Applicants should receive notice of the County's decision within thirty (30) days after the County completes its application review, which would include any investigation or information gathering.

## **SECTION VI**

### **CONDITIONS OF ELIGIBILITY**

When applying for medical assistance, each applicant must satisfy the following criteria simultaneously in order to qualify for assistance, subject to the conditions explained under each.

**MEDICAL INDIGENCY:** 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 (SDCL 28-13-1.2).

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 application for assistance. If the applicant is indigent, but

later achieves self-sufficiency and a capacity to meet obligations as they become due, assistance shall be awarded based on the applicant's latter capacity.

**EXCEPTIONS TO MEDICAL INDIGENCY:**

- **Bankruptcy:** The fact that an individual has filed a petition for bankruptcy or has received a discharge in bankruptcy under Title 11 of the United States Code is not admissible evidence in a proceeding under this chapter and may not be considered in making a determination of indigence. (SDCL 28-13-44)
- **Transfer of Assets:** If an applicant has voluntarily reduced or eliminated ownership or control of an asset for the purpose of establishing eligibility, or if the applicant has assigned or transferred any property for the purpose of establishing eligibility, the applicant is not medically indigent. The County may look back to the 36-month period immediately prior to the onset of the applicant's illness and continue through the period of time for which the applicant is requesting services. (SDCL 28-13-43)
- **Indigent by Design:** If the applicant is indigent by design, the applicant is not medically indigent. (SDCL 29-13-1.3) The applicant is ineligible for medical assistance and no other criteria may be used to determine eligibility. (SDCL 28-13-32.10)
- **Veteran or Native American:** If an applicant is a veteran or a member of a Native American tribe who is eligible or would have been eligible for services through the veterans' administration or the Indian Health Service if the services had been applied for within 72 hours of the person's admission, the individual is not medically indigent. (SDCL 28-13-1.3)
- **Billing for Care of Medically Indigent patients:** If submitting a bill to a county for medically necessary hospital services provided on behalf of a person who is medically indigent, the hospital must first demonstrate that it has exhausted all avenues of payment, including accepting reasonable monthly payments from the person who does not have the ability to pay the hospital in one lump sum at the time of discharge. (SDCL 28-13-33.2)

**RESIDENCY:** In order to qualify for assistance, each applicant must 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. Once legally established, residency shall continue until it is lost by establishing residency in another state or county. (SDCL 28-13-8)

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 (60) days. (SDCL 28-14-2.1)

Children shall have the same residency as their parents, the party granted their legal custody pursuant to court order of decree, or as fixed by their guardian. (SDCL 28-13-50)

Residency is not established by residence in a health care facility. (SDCL 28-13-14)

An applicant who is living in the county for the express purpose of attending a post-secondary educational program is not considered a resident of the county. A student may be considered a county resident if the student otherwise establishes residency within the county, is not claimed on the parents' income tax, and is not living in a dorm setting.

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.

The County may request the following information in order to verify residency:

- A. Proof of identification by providing a photo ID (government issues) and Social Security card.
- B. 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.
- C. Proof of establishment of a local bank account, automobile registration, voter registration, enrollment of applicants children in a local school (absence of any of the above shall not be considered proof of non-residency).

**INCOME AND RESOURCES:** For emergency hospital services, the County will follow state statutes, which includes guidance on determining a person's ability to pay to determine financial eligibility.

YCMC 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. Appendix A will be automatically updated per release of new Federal Poverty Standards.

- A. 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.
- B. YCMC 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.
- C. YCMC shall also consider all other forms of public assistance 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. Such assistance may be considered either as an individual resource or as personal income, whichever is more appropriate; however, such assistance may not be doubly counted and will be identified as a resource that the county may not supplement. The receipt of monthly federal or state assistance may satisfy any obligation the County has under SDCL 28-13.
- D. The County will not provide assistance if the applicant has failed to comply with mandated regulations from any state or federal program or any other program that is available as a resource for the assistance which the applicant is requesting. If an applicant does not comply with the regulations established by state and federal programs or other available

programs and because of that non-compliance is denied help from said programs, the applicant will not be considered to be indigent and county assistance will be denied. The County may make an exception from this policy if the individual is facing an emergency situation that may result in death or serious injury to the individual.

**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. Applicants may be required to apply for assistance through other resources. The County does not pay deductibles, coinsurance or admission charges associated with Medicare approved rates, payments, and treatment.

## **SECTION VII**

### **MEDICAL SPECIFIC GUIDELINES**

There shall be a distinction between “emergency” and “non-emergency” medical and/or hospital care assistance.

See Section II, #5 and #6 for definitions of emergency hospitalizations and non-emergency hospitalizations.

Yankton County will provide medical assistance 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 no or 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.

- **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.
- **Organ Transplants.** A disbursement for care related to an organ transplant will not be approved unless the applicant establishes the following:
  - a. The same care is available to non-indigent residents of the county. This may be established by the receipt of letters from six (6) insurance companies doing business in the state verifying that insurance coverage is available for such care;
  - b. The care will not jeopardize the funding of health care services already available within the county;
  - c. The care is reasonable and necessary;
  - d. The provider has determined the individual in need of the organ transplant medically, psychology, and socially is qualified to receive the transplant according to criteria established by the care provider;

- e. There is a reasonable expectation that significant improvement in the individual's duration or quality of life as a result of the transplant;
  - f. YCMI may request a review of the case by the Department of Social Services to obtain additional information and guidance when considering eligibility. A request for review would be submitted through the Department of Social Services, 700 Governors Drive, Pierre, SD 57501 (605)773-6375.
- **Experimental Procedures:** The County is not liable for the payment of any experimental procedure or experimental modes of treatment when considering eligibility for medical assistance. YCMI may request a review of the case by the Department of Social Services as listed above, to obtain additional information and guidance.
  - **Medical Equipment:** Medical equipment may be purchased or rented when prescribed by the attending physician. Retroactive payment for purchase/rental shall not be made by YCMI. Equipment not on Medicaid's approved list will not be covered by YCMI.
  - **Mental Illness (Voluntary):** YCMI may consider payment for the admittance fees to the Human Services Center (HSC) only. For consideration, the person must be a County resident for a minimum of sixty (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 Yankton County, must be pre-authorized by the Board and are not required by State Law.
  - **Drug and Alcohol Treatment:** Treatment for chemical dependency may be authorized if the applicant has not been in any residential alcohol or drug treatment program within the twelve (12) months prior to application. The County will authorize payments only to the 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 a minimum of sixty (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 Yankton County and must be pre-authorized by the Board, and are not required by State Law

## **SECTION VIII**

### **NOTICE OF REVIEW FOR DENIAL: APPEAL**

Whenever a decision is made to grant or deny assistance, a written notice of the action (NOA) will be given personally or by mail to the applicant at the applicant's last known address. Denied notices will contain:

1. A statement of the reason for the denial; and
2. A statement advising the person of his/her right to appeal.

An appeal of the Board's decision on a patient's application for assistance may be taken pursuant to SDCL 28-13-40. Procedures for appeals are as follows:

- a. Within ten (10) business days following the notice of action the applicant must notify the YCMI in writing of their request for an appeal.
- b. Within five (5) calendar days following the request for an appeal, the county auditor shall set a time and place for the appeal hearing. The time and place shall be during the next regularly scheduled board meeting or a special meeting within ten (10) business days of the appeal being received by the YCMI.
- c. The Medical Indigence Coordinator shall notify the individual in writing of the time and place of the hearing and the individual's right to personally appear before the board, to call witnesses, to present information and to be represented.
- d. The Board shall consider the appeal de novo (from the beginning), taking into consideration any information that may be presented at the time of the appeal – the auditor shall keep a record of the hearing; and,
- e. Within five (5) calendar 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 relief desired or requested by the person, the notice shall contain information indicating that he/she may seek relief as provided in SDCL 28-13-40 by applying to the circuit court with jurisdiction over the county.

## **SECTION IX**

### **ECONOMIC ASSISTANCE**

It is the policy of Yankton County that Yankton County Economic Assistance is conducted by the Contact Center in the Yankton County Government building at 321 West 3<sup>rd</sup> Street, Yankton, SD 57078. The Contact Center phone number is 605-260-4400, option 2.

The Contact Center provides temporary assistance upon the proper showing of need and may grant the applicant temporary assistance for a period not to exceed thirty (30) days. The Contact Center may provide assistance with emergency services, food, transportation, shelter, medications, utilities, and rent assistance (to prevent eviction).

Before receiving any assistance, each applicant must be determined indigent as required by SDCL 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 that determination shall also include a review of family size, total family economic resources and total family economic needs. Requirements are as follows:

- A. Before receiving any assistance, each applicant must be determined to be indigent in conformity with SDCL 28-13-3 or as otherwise provided by state law.

- B. Present proof of identification by providing a photo ID (government issued) and Social Security card.
- C. 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.
- D. 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.
- E. Staff will interview the applicant and review the application to 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.
- F. Applicant will await County verification of the application pursuant to administrative procedures and comply with all requests made by the county to obtain a complete case history, as authorized and established herein.

**TRANSIENT ELIGIBILITY:** Regardless of actual residency, but upon a proper showing of need, the Contact Center 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 an emergency threatening the applicant's life or health (i.e., tornado, flood, fire, sudden illness or injury, etc.).

#### TYPES OF ASSISTANCE

- **EMERGENCY SHELTER:** The Contact Center will help the applicant find emergency shelter. When the normal shelters and all other possible resources are not an option, the Contact Center may, at its discretion, pay for a motel room on a temporary basis.
- **RENT ASSISTANCE:** The Contact Center may, at its discretion, help an applicant with rental assistance to prevent an eviction.
- **UTILITIES ASSISTANCE:** The Contact Center may, at its discretion, help an applicant avoid a disconnect issue, but will not be responsible for deposit, late fees, or reconnect fees. When providing assistance for utilities, all other public resources (Rural Office of Community Services, Salvation Army, LIEAP, etc.) must have been exhausted prior to assistance being provided by the Contact Center.
- **FOOD ASSISTANCE:** The Contact Center houses the Food Pantry for Yankton County. Applicants for emergency food requests shall apply for benefits under the SNAP Program guidelines.
- **TRANSPORTATION ASSISTANCE:** The Contact Center, at their discretion, may offer one-time help for emergency transportation to help people stranded or in dire need to get to medical appointments or an emergency in the form of a \$20.00 gas voucher.

Yankton County does not provide assistance for eye care or dental care. Applicants must apply for such care assistance from other charitable organizations that offer such services.

## SECTION X



## BURIAL AND FUNERAL EXPENSE ASSISTANCE

When an indigent person dies, the County has a responsibility for burial. SDCL 34-26-16 states that when a person is married, duty of burial falls to the spouse. If there is no spouse, duty falls to kindred being of adult age. If there is no kindred, responsibility falls to the County. 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 assistance per SDCL 34-26A-2. The authorization for cremation will be the same as burial. All burial and funeral expenses must be pre-approved and will be subject to lien provisions according to SDCL 28-14.1. 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 the time of death, and if no residence can be fixed, then by the County by which the death occurred.

It shall be the policy of Yankton County to employ all funeral homes located in Yankton County to supervise burial or cremation of an indigent person of the County. The selection of a funeral home/director shall be made by the family, or any other person legally entitled to make such a decision. If no family, the Board of the County Commissioner will make the determination.

Per SDCL 28-17-4, the funeral director in charge shall furnish a casket and outside container and conduct the funeral services. The county shall incur the cost of opening and closing the grave and establish, by resolution at the annual organization meeting, an agreed upon sum for the basic services.

### STANDARD SERVICE RATES:

A standard funeral service agreement of \$1250 shall include the following:

- A. Removal of the body from the hospital, home or institution within the city limits to the funeral home;
- B. Provide for the professional care of the remains to include embalming (unless objected to by the family) cosmetology, minor restorative work, dressing and casketing the remains;
- C. Allow use of funeral home facilities for a funeral service, if needed;
- D. One public notice is given of the death and when funeral services will be held;
- E. Provide an opportunity for viewing of the body, as appropriate (viewing of the remains shall not be prohibited simply because the decedent was indigent);
- F. Transport the body and casket by funeral coach to the local cemetery;
- G. It shall be the discretion of the funeral home to accept or deny an indigent burial.

The County will not supplement any of the costs of the funeral services or be obligated for any more than is set out in this section. A funeral approved by the County excludes the following: tent at the cemetery; gratuities; memorial cards; clothing costs; flowers; more than one visitation event; funeral dinners or lunches; pastor; organist or soloist fees; grave marker or head stone; and adjoining plots for other family members for future use.

Payment by the 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.

## **APPENDIX A**

INCOME GUIDELINES (effective 1/12/2022)

Based on Federal Poverty Standard (48 contiguous states) and Consistent with South Dakota Poor Relief Statutes

<b># in Household</b>	<b>Monthly Income</b>	<b>Annual Income</b>
1	\$1,133	\$13,590
2	\$1,526	\$18,310
3	\$1,919	\$23,030
4	\$2,313	\$27,750
5	\$2,706	\$32,470
6	\$3,099	\$37,190
7	\$3,493	\$41,910
8	\$3,886	\$46,630
9+	Add \$393.33 for each extra person	Add \$4,720 for each extra person