

CEDAR COUNTY

ORDINANCE NO. 8

AN ORDINANCE PRESCRIBING THE MEDICAL RELIEF PROGRAM IN CEDAR COUNTY, IOWA

Section 1. Purpose. The purpose of this ordinance is to provide short-term outpatient and infrequent medical assistance for needy persons in Cedar County which can be performed at a local clinic as defined below. Persons seeking ongoing, emergency, or serious medical attention should be referred to the University of Iowa Hospitals & Clinics, or to the Department of Human Services to apply for the IowaCare Program.

Section 2. Definitions. The definition of terms used in this ordinance are:

1. "Needy person" is a person or the family unit of that person and is domiciled in Cedar County, Iowa, or who is a transient in the County for less than three (3) days, and who, because of circumstances which are not attributable to the person, needs medical assistance and who is unable to otherwise obtain such medical assistance at their own expense.
2. "Relief" means monetary assistance necessary to obtain medical attention.
3. "Net worth" includes income or assets of any kind, tangible or intangible, including, but not limited to, wages or income due and owing, bank accounts or deposits, stocks, bonds, the cash value of all insurance policies, the value of vested retirement accounts or plans, and the value of all other interests in real and personal property of every nature and kind. The value shall be determined as the gross fair market value and shall not be discounted, offset or reduced by any indebtedness whether or not such indebtedness constitutes a lien against the property. Provided, however, that the following property shall be excluded and shall not be counted when computing "net worth": personal clothing, wedding rings, usual household goods, furnishing and appliances not exceeding \$2,000.00 in value, one automobile not exceeding \$4,000.00 in value, and a homestead not exceeding \$40,000 in value.
4. "Family Unit" means the individual applying and all members of the household as long as they reside with the applicant as a family unit.
5. "Liquid assets" means cash or any other item of net worth of the family unit that can be readily converted to cash within seven (7) days.
6. "Awaiting approval and receipt" means a person who has applied for assistance under any state or federal law; who has pursued that application with due diligence; and who has not had that application denied. This does not include an appeal of a denial of benefits. It does include a person who has had an application denied and who reapplies after eighteen (18) consecutive months have expired from the date of the denial.
7. "Emergency" means a life or health threatening situation which in the absence of immediate medical assistance is likely to result in death, life threatening complications or permanent disability or deformity and where a physician or dentist is not readily accessible to provide a written referral for treatment.
8. "Medical, Dental and Optical Treatment", "Medical Assistance" and "Medical Attention" shall mean professional medical, dental or optical treatment but shall not include routine checkups and in all non-emergency cases shall require a written referral from a physician or dentist prior to obtaining such treatment. No bills or expenses incurred prior to the filing of an application for relief under this ordinance will be paid unless incurred in an emergency case.

An application for assistance after an emergency case shall be filed within 60 (sixty) days after the outpatient service day. No benefits for inpatient services will be paid from this ordinance. Failure to file an application within this time period will preclude relief.

9. "INCOME" Shall refer to and include income of every nature and kind, whether taxable or not, including, but not limited to wages, interest, dividends, child support, alimony, social security, pensions, annuities, disability payments, unemployment compensations, the proceeds from the sale of assets, the designated value of food stamps received, the cash value of rental assistance received and the value of assistance from all other relief or charitable programs.

Section 3. Form. The relief shall be purchased directly from the supplier for the applicant or the family unit, and shall be paid from County funds.

Section 4 Eligibility of Needy Person. Medical relief is to be provided to needy persons who are in need of medical, dental or optical treatment (as defined in this ordinance), cannot obtain such treatment from any other source despite diligent efforts on their behalf to do so, who has been unable to so obtain assistance from other state or federal programs due to reasons not attributed to that person and (a) whose family unit income as defined in this ordinance does not exceed one hundred twenty-five (125%) percent of the Federal Poverty Level Guidelines and (b) whose family unit net worth as defined in this ordinance does not exceed \$10,000.00 and who has no liquid assets with which to pay for such medical treatment. Notwithstanding any other provision in this ordinance, any person already eligible for and/or receiving Title XIX medical benefits, or who is on the IowaCare program, shall not be entitled to medical relief under this ordinance.

Section 5. Benefits Provided. For medical, dental, and optical outpatient treatment, the reasonable value of these services actually needed may be paid as set forth below. Relief benefits may be paid for those applicants who seek and obtain outpatient medical attention at local clinics or doctor's offices or local pharmacies, meaning medical, dental, optician offices or pharmacies within Cedar County.

Section 5a. Emergency Medical Treatment. An applicant for relief under this ordinance will be referred to the University of Iowa Hospitals & Clinics for medical assistance when the applicant's medical condition is deemed to be severe or life threatening, if the applicant contacts the relief office prior to accessing emergency care. Otherwise, emergency care will be paid as outlined below.

Section 6. IowaCare Program. Applicants needing care beyond the scope of this ordinance will be referred to the Department of Human Services or the University of Iowa Hospitals & Clinics to apply for the IowaCare medical benefits program. At the discretion of the Board of Supervisors, the Relief Director may be charged with assisting these applicants in filling out the needed paperwork for the IowaCare program.

Section 7. Manner of Providing Benefits. The manner of providing benefits to those eligible shall be based on the applicant's income as herein provided:

(a) If the income of the needy person is above the income eligibility guidelines set forth under Cedar County Ordinance 3 but below one hundred twenty-five percent (125%) of the Federal Poverty Guidelines, that person's medical bills, at a rate of up to Two Hundred Fifty Dollars (\$250.00) per visit (including medications), not exceeding One Thousand Dollars (\$1,000.00) in any one fiscal year, will be covered by Cedar County. Any amount to be charged to the applicant above the Two Hundred Fifty Dollars (\$250.00) per visit (including medications) will be the responsibility of the applicant.

(b) Applicants will be required to apply for the IowaCare program if their medical bills under this ordinance exceed or are expected to exceed One Thousand Dollars (\$1,000.00) in any one fiscal year.

(c) No applicant for benefits under this ordinance or members of the applicant's family unit shall be entitled to nor shall receive benefits paid from Cedar County funds in excess of One Thousand Dollars (\$1,000.00) in any one fiscal year.

(d) Relief provided for prescription assistance and other outpatient assistance shall generally not exceed four (4) occurrences of assistance with any one fiscal year, or a maximum of One Thousand Dollars (\$1,000.00) in benefits.

Section 8. Repayment of Benefits. In the event an applicant or a member of the applicant's family unit is granted benefits under this Ordinance, that person and the person legally liable for his or her support shall be liable and responsible for the repayment of such relief to Cedar County, Iowa, to the extent such applicant becomes able to do so and such repayment shall be made at the soonest reasonable opportunity. Benefits provided may be a claim against the homestead of the recipient and the recipient's estate as allowed by law.

Section 9. Disqualification from Benefits.

(a) If the needy person, except for reasons not attributable to that person, fails to repay the value of the benefits received, if agreed, he or she shall be disqualified from receiving future benefits. The Board of Supervisors may upon application, waive the repayment of all or some of the benefits provided on the same basis as it may waive payment of property taxes.

(b) If an applicant for relief under this ordinance makes a false statement or representation for the purpose of obtaining relief, he or she shall be disqualified from receiving future benefits and shall be liable for repayment of all benefits received due to said false statements and representation.

Section 10. Application for Relief.

Applications for relief under this ordinance shall be submitted by applicants to the Director of Relief at the Cedar County Courthouse in Tipton, Iowa, during usual business hours upon forms provided by the Director. If, because of undue hardship, an applicant cannot come to the Courthouse, the Director shall mail such person an application form or deliver to such person the application. If the applicant or the family unit is or appears to be eligible for relief or assistance from any other federal, state or local source, the Director shall immediately refer the applicant to that source. It shall be the obligation of the applicant to immediately make application to that source and pursue such application with due diligence as a condition to be eligible for further relief under this Ordinance. It is the obligation of each person applying to establish his or her eligibility for any category of relief and need for any item of relief. If requested, the person applying shall provide the Director with a verified statement of net worth, federal and state income tax returns for the past five (5) years, medical reports, medical authorization, and anything else requested by the Director that bears upon the person's eligibility and need for relief. The Director shall also receive anything that the person applying desires to submit to establish their eligibility or need to include statements or letters, medical reports, and other written documents as well as the verbal statements of the applicant. The Director shall then proceed to conduct a reasonable investigation concerning the applicant's eligibility and needs. The applicant's file and the investigation and findings of the Director shall be made available to the applicant, upon request, or to the applicant's attorney by written authorization.

Section 11. Initial Determination.

(a)(1) The Director shall make an initial determination of the eligibility and needs of the applicant within three (3) working days of the receipt of the application. Upon that determination, the Director shall notify the applicant by telephone immediately, if possible, and within two (2) working days after that determination, mail the applicant at the last address shown on the application, by ordinary mail, the Director's written decision showing the reasons for the determination and the statutes or ordinances applied, together with the specific benefits and their amounts to which the applicant is entitled.

(a)(2) If the Director cannot make the initial determination within three (3) working days, the Director shall immediately inform the applicant, by telephone, if possible, of the reasons why such determination cannot be made and mailed to the applicant within two (2) working

days thereafter the Director's written decision showing the reasons why such determination could not be made.

(b) If an applicant has been previously found eligible, the Director need not receive a new application, but may proceed to a determination of whether or not current relief is warranted. Notice and mailing of such determination shall be as provided above. If an emergency and immediate need is present, the Director may verbally authorize a supplier or vendor to furnish any item of relief for the benefit of the applicant and the amount allowed for such benefit. The Director shall inform the applicant and issue a written decision as provided above.

(c) Whenever an applicant is found eligible and entitled to relief, the Director shall proceed to provide the same and notify the Board of Supervisors.

#### Section 12. Appeal.

(a) Every applicant, whether granted relief or not, shall be informed in the Director's written decision of the applicant's right to appeal from such decision to the Board of Supervisors. The applicant shall be informed (1) of the method by which an appeal may be taken, and (2) that he or she may represent him or herself, or may be represented by an attorney.

(b) Any written appeal of communication to the Director by or on behalf of an applicant requesting appeal of the Director's determination, shall be taken by the Director and put immediately upon the Board of Supervisors' agenda, in accordance with Chapter 28A, Code of Iowa, for the next regular Board meeting, provided that such shall not be heard sooner than five (5) days after appeal is taken. The written appeal or communication must be made to the Director within ten (10) days of the Director's determination, provide applicant's current address and telephone number, and state the reasons for the appeal. The applicant shall be informed immediately, by telephone and by ordinary mail, of the date and time of hearing before the Board. Applicant and his or her attorney, upon written authorization, shall be granted access by the Director to his or her relief case file if request is made.

#### Section 13. Appeal Hearing.

(a) The Board of Supervisors shall hear applicant's appeal de novo at the time scheduled in the agenda unless continuance is requested by applicant. Applicant shall present whatever evidence desired in support of the appeal including testifying, having other witnesses testify, offering documentary evidence and reasonable cross examination of

other witnesses, if present. The technical rules of evidence shall not apply. The Board may set reasonable times for the present action of the parties at any appeal. The applicant's file shall be admitted into evidence. The Board may question the applicant, and the Director shall present the Board with the reasons for the determination. The appeal will be tape recorded. The hearing before the Board will not be an open meeting under Chapter 28A, Code of Iowa, since the confidential files of the applicant will be in evidence unless the Board and the applicant mutually agree that the meeting be an open meeting rather than a closed meeting. When the Board deliberates on the appeal no parties shall be present.

(b) The Board shall make a decision on the appeal within five (5) working days. The Board's decision shall be only on the basis of the evidence submitted before the Board. The applicant shall be informed immediately by telephone of the decision and within four (4) working days thereafter, the Board shall mail to applicant at his or her last known address, by ordinary mail, its decision in writing. The decision shall state the reasons for the action, together with any statute or ordinance applied. The Board's decision shall also state that an appeal may be taken from the Board's determination, as provided below, and the method by which such appeal may be taken.

Section 14. Actions of the Board of Supervisors.

In the event the Board of Supervisors, in reviewing the actions of the Director of Relief, questions any allowance of medical relief benefits allowed by the Director, it shall take no action concerning such allowance until it conducts a hearing. This hearing, the reasons for it, and notification to the applicant shall be given in the same manner as if the applicant had taken an appeal. This hearing shall proceed in the same manner as an appeal from the Director's determination.

Section 15. Repealer. All ordinance and resolutions, or parts thereof, in conflict herewith are hereby repealed.

Section 16. Severability Clause. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Section 17. When Effective.

This ordinance shall be in effect after its final passage and publication as provided by law.