

# WELFARE 101

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A BRIEF OVERVIEW OF THE  
RESPONSIBILITIES OF WELFARE  
OFFICIALS



# INTRODUCTION TO WELFARE

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- **Welfare-** What is it?
- Who is eligible for welfare assistance?
- Why is the county responsible for providing assistance?
- What types of assistance programs are offered by counties? (Rent, utilities, medical, etc.)
- What other resources are available within your community, region or area? (Salvation Army, Ministerial Association, Non-profits, etc.)

# INTRODUCTION TO WELFARE

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- Who is considered eligible for Welfare Assistance?

28-13-1.1. "Indigent or poor person" defined--Eligibility standards. For the purposes of this chapter, an indigent or poor person is any person who does not have sufficient money, credit, or property to be self-supporting; who has no one to look to who is legally required to provide support; or who is unable to be self-supporting through work because of illness or injury. In applying this definition, each county shall establish reasonable eligibility standards for county poor relief.

# RESIDENCY

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- Per statutes in 28-13:
  - Residency established by personal presence in a fixed and permanent abode and intent to remain there – local bank account, driver's license address, children enrolled in school, voter registration
  - Residency not established by residence in a healthcare facility
  - Temporary relief to nonresident – reimbursement by home county

# UNDOCUMENTED PERSONS

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- A person who is in the US without legal documentation is ineligible for assistance. An alien who is a qualified alien and who entered the US on or after August 22, 1996, is ineligible for assistance for five years from the date the alien entered the US. A “qualified alien” is defined in 8 U.S.C. 1641, and exceptions to the five-year ban are contained in 8 U.S.C. 1613.

# INTRODUCTION TO WELFARE

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- Why is the county responsible for providing assistance?

28-13-1. County duty to relieve poor persons--Taxation--  
Determination of eligibility. Every county shall relieve and support all poor and indigent persons who have established residency therein, as that term is defined in §§ 28-13-2 to 28-13-16.2, inclusive, and who have made application to the county, whenever they shall stand in need. Each board of county commissioners may raise money by taxation for the support and employment of the poor. If a person is receiving benefits from the Department of Social Services, the board of county commissioners may determine if he is eligible for county relief.

# INTRODUCTION TO WELFARE

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- What types of assistance is offered by counties?

**\*All assistance programs provided are the discretion of each individual county. All forms of assistance and the means for qualifying for assistance shall be determined by SDCL 28-13 along with each county's policies.**

# WELCOME TO WELFARE!!

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- **Points to learn**
- **Welfare Statutes**
- **Establishing welfare assistance programs/services**
- **How to determine if a resident is indigent**
- **What happens after a resident is provided assistance (liens, collections, bankruptcies, etc)**



# WELFARE STATUTES

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- **SDCL 28-13**

All statutes pertaining to the care of the poor are listed within these statutes

Title **28- PUBLIC WELFARE AND ASSISTANCE**

Chapter **13- COUNTY POOR RELIEF**

# WELFARE STATUTES

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- Chapter 28-17: County Burial
  - Chapter 34-26: Custody & Disposition of Bodies & Body Parts
  - Chapter 34-26A: Crematories & Cremations
  - Chapter 34-27: Crematories & Burial Records

# WELFARE STATUTES

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- **Why are they important?**
- These statutes govern and provide guidelines for the way assistance is determined for the care of the poor.
- Above all they explain the responsibilities of the counties to its indigent residents.

# WELFARE STATUTES

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- Statutes are referred to often in determining medical indigence and during depositions.
- They can be viewed online at [sdlegislature.gov/statutes/Codified\\_Laws/](http://sdlegislature.gov/statutes/Codified_Laws/)
- *Also available on the South Dakota Association of County Welfare Officials website under the Welfare Forms tab:*
  - *Welfare Medical Manual*
  - *Appendices*
  - *SDACWO Bylaws*
  - *CCPR Manual*
  - *Ability to Pay Form*

# STATUTE EXAMPLES

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- **28-13-1.2.** Considerations in establishing eligibility standards. A county in establishing eligibility standards for county poor relief shall take into consideration an applicant's total economic resources including current assets and income, sources of financial support to which the applicant is legally entitled and total economic needs. In a case involving support among family members the county shall take into consideration family size, total family economic resources, and total family economic needs.
- **28-13-1.3.** Medically indigent person defined. A medically indigent person is one who meets the following criteria:
  - (1) Requires medically necessary hospital services for which no public or private third-party coverage, such as insurance, veterans' assistance, Medicaid, or Medicare, is available which covers the actual cost of hospitalization;
  - (2) Has no ability or only limited ability, as determined under the provisions of this chapter, to pay a debt for hospitalization;
  - (3) Has not voluntarily reduced or eliminated ownership or control of an asset for the purpose of establishing eligibility;
  - (4) Is not indigent by design; and
  - (5) Is not 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 seventy-two hours of the person's admission.

# STATUTES...WHO KNOWS?

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- The Welfare Officials
- The States Attorney
- Hospital's Attorney

The more you know about the statutes, the better prepared you are to work medical and poor relief claims with confidence.

# STATUTE VS. POLICY

## Statute

- State Law
- Vague
- May be difficult to interpret
- Same universal guideline across the state

## Policy

- County/Office “rule”
- Detailed
- Easier to interpret
- Specific only to that county
- Provides consistency in delivering assistance programs

# DO YOU HAVE POLICIES?

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- **The creation of a “Welfare Policy Manual” can assist greatly with:**

- Providing consistency in delivering county assistance

Example: How much is allowed for an expense?

(\$25 for toiletries, \$200 for gas, etc.)

What is allowed for an expense...**in addition** to statute requirement?

(Cell phones, Internet, etc.)

- Potentially saving money for the county



# ESTABLISHING ASSISTANCE PROGRAMS

- Medical Claims
- Utilities
- Burials
- Medications
- Rent
- Bus Tickets
- Deposit
- Insurance Premiums
- Shelter
- Gas/Fuel

# DETERMINING IF A RESIDENT IS INDIGENT

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- **Application-** Must be filled out with all necessary questions and information needed.
- **Gather all necessary documents** (pay stubs, lease agreements, identification, etc.)
- **Screening-** Ask the questions regarding money and assets. Also, offer options within the community for assistance.
- **Determination-** Based on federal poverty guidelines and the person's assets and cash available compared to their income.
- **Understanding what is countable** as an obligation and what isn't (cell phones, cable, etc.)

# WHEN A RESIDENT IS INDIGENT

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- Assistance is provided based on amounts predetermined by commission
  - Amounts determined based on factors like HUD FMR and Federal Poverty Guidelines
- Liens are placed against the individual
- Amounts of assistance must be paid back to the county
- All property with title ownership is flagged with a lien (Loan vs. Lien)
- Liens are eligible for collections
- Are not discharged through bankruptcy

# MEDICAL CASES

- Medical Casework is the greatest portion of most counties poor relief budget.
- Claims can be costly (possibly CCPR)
- Pricing is important- Hospital vs. Medicaid
- Much information and much detail
- Medical (UB-04) vs. physician claims (I500)

# WORKING MEDICAL CASES

## 1.) Requirements to file a medical case with county

A.) Hospital must send **NOTICE OF HOSPITALIZATION** (Deadline- 15 days- *things to note- IHS eligible, VA, insurance*)

B.) Hospital must send the **APPLICATION FOR POOR RELIEF** (noting hospital charges)

C.) County notifies patient in writing telling them they may apply for assistance with the county.

# WORKING MEDICAL CASES

## 2.) Application

**A.** Hospitals shall/must apply within one year of date of discharge

**B.** Applicant shall/must apply within two years of date of discharge

**C.** Application from either party MUST BE RECEIVED to even consider the case

# WORKING MEDICAL CASES

## 3.) Eligibility Checklist

**A.)** Application

**B.)** Residency

**C.)** Insurance? IHS, VA, MAWD,  
Medicaid/Medicare eligible,

[www.healthcare.gov](http://www.healthcare.gov)

Health Insurance Marketplace Calculator

-kff.org/interactive/subsidy-calculator

Denials using ACA/affordability

**D.)** Emergency vs. non-emergency

# WORKING MEDICAL CASES

## 4.) Forms/ documents to support application

**A.) Supply checklist**- everything needed to work the case

**B.) Income**- W-2s, Tax statements, pay stubs, etc.

**C.) Assets**- Vehicles, real estate, recreational vehicles, Savings accounts, 401K, etc.

**D.) Expenses/ Obligations**- Mortgage/rent, utilities, car insurance, medical payments, etc.



# WORKING MEDICAL CASES

## 5.) Working the Ability to Pay form

A. Assets

B. Income

C. Taxes/ Investments

D. Expenses

E. Discretionary income

\*\*\*\*\*Find this form & others on

[sdcountycommissioners.org/?page\\_id=101](http://sdcountycommissioners.org/?page_id=101)

# SUMMARY

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Your assistance benefits are decided by you...the county!



Know your community's resources



Learn your statutes!  
SDCL 28-13



Create policies for consistency and cost effectiveness



Work medical cases with diligence and confidence.

# THANK YOU!!!

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