

REFERENCE TITLE: AHCCCS; annual waiver; applicability.

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

HB 2228

Introduced by
Representatives Cook: Benally, Campbell, Clodfelter, Descheenie,
Gonzales, John, Mitchell, Payne, Saldate, Shooter, Stringer, Thorpe,
Toma, Senators Borrelli, Peshlakai, Pratt, Smith

AN ACT

AMENDING SECTION 36-2903.09, ARIZONA REVISED STATUTES; RELATING TO THE
ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-2903.09, Arizona Revised Statutes, is amended
3 to read:

4 36-2903.09. Waivers; annual submittal; definitions

5 A. On or before March 30 of each year, the director shall apply to
6 the centers for medicare and medicaid services for waivers or amendments
7 to the current section 1115 waiver to allow this state to:

8 1. Institute a work requirement for all able-bodied adults
9 receiving services pursuant to this article. The work requirement shall:

10 (a) Require an eligible person to either:

11 (i) Become employed.

12 (ii) Actively seek employment, which would be verified by the
13 department.

14 (iii) Attend school or a job training program, or both, at least
15 twenty hours per week.

16 (b) Require an eligible person to verify on a monthly basis
17 compliance with requirements of subdivision (a) of this paragraph and any
18 change in family income.

19 (c) Require the administration to confirm an eligible person's
20 change in family income as reported under subdivision (b) of this
21 paragraph and redetermine the person's eligibility under this article.

22 (d) Allow the administration to ban an eligible person from
23 enrollment for one year if the eligible person knowingly failed to report
24 a change in family income or made a false statement regarding compliance
25 with the requirements of subdivision (a) of this paragraph.

26 (e) Allow for an exemption if a person meets any of the following
27 conditions:

28 (i) Is at least nineteen years of age but is still attending high
29 school as a full-time student.

30 (ii) Is the sole caregiver of a family member who is under six
31 years of age.

32 (iii) Is currently receiving temporary or permanent long-term
33 disability benefits from a private insurer or from the government.

34 (iv) Has been determined to be physically or mentally unfit for
35 employment by a health care professional in accordance with rules adopted
36 by the administration.

37 2. Place on able-bodied adults a lifetime limit of five years of
38 benefits under this article that begins on the effective date of the
39 waiver or amendment to the current section 1115 waiver and does not
40 include any previous time a person received benefits under this article.
41 The lifetime limit under this paragraph does not include any time during
42 which the person meets any of the following conditions:

43 (a) Is pregnant.

44 (b) Is the sole caregiver of a family member who is under six years
45 of age.

1 (c) Is currently receiving temporary or permanent long-term
2 disability benefits from a private insurer or from the government.

3 (d) Is at least nineteen years of age but is still attending high
4 school as a full-time student.

5 (e) Is employed full time but continues to meet the income
6 eligibility requirements under this article.

7 (f) Is enrolled before reaching nineteen years of age.

8 (g) Is an eligible person as defined in section 36-2901, paragraph
9 6, subdivision (a), item (iii).

10 3. Develop and impose meaningful cost-sharing requirements to deter
11 both:

12 (a) The nonemergency use of emergency departments.

13 (b) The use of ambulance services for nonemergency transportation
14 or when it is not medically necessary.

15 B. SUBSECTION A OF THIS SECTION DOES NOT INCLUDE OR APPLY TO
16 AMERICAN INDIANS OR ALASKA NATIVES WHO ARE ELIGIBLE FOR SERVICES UNDER
17 THIS ARTICLE, THROUGH THE INDIAN HEALTH SERVICE OR THROUGH A TRIBAL OR
18 URBAN INDIAN HEALTH PROGRAM PURSUANT TO THE INDIAN SELF-DETERMINATION AND
19 EDUCATION ASSISTANCE ACT (25 UNITED STATES CODE CHAPTER 46) AND THE INDIAN
20 HEALTH CARE IMPROVEMENT ACT (25 UNITED STATES CODE CHAPTER 18).

21 ~~B.~~ C. In any year, the director shall apply under subsection A of
22 this section for only the waivers or amendments to the current section
23 1115 waiver that have not been approved and are not in effect.

24 ~~C.~~ D. On or before April 1 of each year, the director shall submit
25 a letter confirming the submission of the waiver requests required under
26 subsection A of this section to the governor, the president of the senate
27 and the speaker of the house of representatives.

28 ~~D.~~ E. For the purposes of this section:

29 1. "Able-bodied" means an individual who is physically and mentally
30 capable of working.

31 2. "Adult" means an individual who is at least nineteen years of
32 age.