

PLEASE NOTE: In most BUT NOT ALL instances, the page and line numbering of bills on this web site correspond to the page and line numbering of the official printed version of the bills.

REFERENCE TITLE: AHCCCS; verification of eligibility

State of Arizona
House of Representatives
Forty-seventh Legislature
First Regular Session
2005

HB 2394

Introduced by
Representatives Pearce, Boone, Rosati, Smith, Senator Johnson:
Representatives Allen J, Biggs, Burges, Gray C, McLain, Pierce, Stump

AN ACT

AMENDING SECTION 36-2903.03, 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 36-2903.03, Arizona Revised Statutes, is amended to
3 read:

4 36-2903.03. United States citizenship and qualified alien
5 requirements for eligibility; verification
6 requirements; violation; classification;
7 definition

8 ~~A. A person who is applying for eligibility under this chapter shall~~
9 ~~provide verification of United States citizenship or documented verification~~
10 ~~of qualified alien status.~~

11 A. BEFORE PROVIDING SERVICES PURSUANT TO THIS CHAPTER, AN EMPLOYEE OF
12 THE ADMINISTRATION MUST VERIFY THE APPLICANT'S IMMIGRATION STATUS THROUGH THE
13 SYSTEMATIC ALIEN VERIFICATION FOR ENTITLEMENTS PROGRAM AS ADMINISTERED BY THE
14 UNITED STATES DEPARTMENT OF HOMELAND SECURITY. A PERSON WHO IS DENIED
15 SERVICES MAY APPEAL THAT DECISION AS PRESCRIBED BY THIS CHAPTER. STATE
16 AGENCIES AND POLITICAL SUBDIVISIONS MUST PROVIDE THE EMPLOYEE WITH ANY
17 INFORMATION THE EMPLOYEE REQUESTS TO VERIFY THE IMMIGRATION STATUS OF AN
18 APPLICANT AND ASSIST THE EMPLOYEE IN OBTAINING THAT INFORMATION FROM FEDERAL
19 IMMIGRATION AUTHORITIES. THE EMPLOYEE MUST SUBMIT A WRITTEN REPORT TO FEDERAL
20 IMMIGRATION AUTHORITIES FOR ANY VIOLATION OF FEDERAL IMMIGRATION LAW BY ANY
21 APPLICANT THAT IS DISCOVERED BY THE EMPLOYEE. AN EMPLOYEE WHO DOES NOT
22 REPORT AS REQUIRED BY THIS SUBSECTION IS GUILTY OF A CLASS 2 MISDEMEANOR. IF
23 THAT EMPLOYEE'S SUPERVISOR KNEW OF THE FAILURE TO REPORT AND FAILED TO DIRECT
24 THE EMPLOYEE TO MAKE THE REPORT, THE SUPERVISOR IS GUILTY OF A CLASS 2
25 MISDEMEANOR. THIS SUBSECTION SHALL BE ENFORCED WITHOUT REGARD TO RACE,
26 RELIGION, GENDER, ETHNICITY OR NATIONAL ORIGIN. A PERSON WHO IS A RESIDENT
27 OF THIS STATE HAS STANDING IN ANY COURT OF RECORD TO BRING SUIT AGAINST THE
28 ADMINISTRATION TO REMEDY ANY VIOLATION OF THIS SUBSECTION, INCLUDING AN
29 ACTION FOR MANDAMUS. A COURT SHALL GIVE PREFERENCE TO ACTIONS BROUGHT UNDER
30 THIS SUBSECTION OVER OTHER CIVIL ACTIONS OR PROCEEDINGS PENDING IN THAT
31 COURT. THE VERIFICATION REQUIREMENTS OF THIS SUBSECTION DO NOT APPLY TO
32 SERVICES THAT CANNOT BE DENIED ON THE BASIS OF A PERSON'S IMMIGRATION STATUS.

33 B. A qualified alien may apply for eligibility pursuant to section
34 36-2901, paragraph 6, subdivision (a) and, if otherwise eligible for title
35 XIX, may receive all services pursuant to section 36-2907 if the qualified
36 alien meets at least one of the following requirements:

- 37 1. Is designated as one of the exception groups under 8 United States
38 Code section 1613(b).
39 2. Has been a qualified alien for at least five years.
40 3. Has been continuously present in the United States since August 21,
41 1996.

42 C. Notwithstanding any other law, persons who were residing in the
43 United States under color of law on or before August 21, 1996, and who were
44 receiving services under this article based on eligibility criteria
45 established under the supplemental security income program, may apply for
46 state funded services and, if otherwise eligible for supplemental security

1 income-medical assistance only coverage except for United States citizenship
2 or qualified alien requirements, may be enrolled with the system and receive
3 all services pursuant to section 36-2907.

4 D. A person who is a qualified alien who does not meet the
5 requirements of subsection B of this section or who is a noncitizen who does
6 not claim and provide verification of qualified alien status may apply for
7 title XIX eligibility under section 36-2901, paragraph 6, subdivision (a)
8 and, if otherwise eligible for title XIX, may receive only emergency services
9 pursuant to section 1903(v) of the social security act.

10 E. In determining the eligibility for all qualified aliens pursuant to
11 this chapter, the income and resources of any person who executed an
12 affidavit of support pursuant to section 213A of the immigration and
13 nationality act on behalf of the qualified alien and the income and resources
14 of the spouse, if any, of the sponsoring individual shall be counted at the
15 time of application and for the redetermination of eligibility for the
16 duration of the attribution period as specified in federal law.

17 F. A person who is a qualified alien or a noncitizen and who is not
18 eligible for title XIX may receive only emergency services.

19 G. For THE purposes of this section, "qualified alien" means an
20 individual who is one of the following:

- 21 1. Defined as a qualified alien under 8 United States Code section
22 1641.
- 23 2. Defined as a qualified alien by the attorney general of the United
24 States under the authority of Public Law 104-208, section 501.
- 25 3. An Indian described in 8 United States Code section 1612(b)(2)(e).