

State of Arizona  
House of Representatives  
Fifty-second Legislature  
Second Regular Session  
2016

# HOUSE BILL 2312

AN ACT

AMENDING SECTIONS 36-2902.01 AND 36-2902.02, ARIZONA REVISED STATUTES;  
RELATING TO THE ARIZONA ADVISORY COUNCIL ON INDIAN HEALTH CARE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 36-2902.01, Arizona Revised Statutes, is amended to  
3 read:

4 36-2902.01. Arizona advisory council on Indian health care;  
5 membership; compensation; meetings

6 A. The ARIZONA advisory council on Indian health care is established  
7 ~~consisting~~ TO GIVE TRIBAL GOVERNMENTS, TRIBAL ORGANIZATIONS AND URBAN INDIAN  
8 HEALTH CARE ORGANIZATIONS IN THIS STATE REPRESENTATION IN SHAPING MEDICAID  
9 AND HEALTH CARE POLICIES AND LAWS THAT IMPACT THE POPULATIONS THEY SERVE.

10 B. THE COUNCIL CONSISTS of the following members:

11 ~~1. Twenty members appointed by the governor. Each Arizona Indian~~  
12 ~~tribe may submit recommendations to the governor. There shall be no more~~  
13 ~~than one representative from each Arizona Indian tribe. Each member shall~~  
14 ~~represent an Arizona Indian tribe and shall be nominated by his tribal~~  
15 ~~governing body. The governor shall make appointments from the following~~  
16 ~~areas:~~

17 ~~(a) Five tribal members who represent health care agencies. At least~~  
18 ~~one of the appointees shall have experience in serving elderly clients or~~  
19 ~~clients with physical disabilities.~~

20 ~~(b) Five tribal members who represent social service agencies. At~~  
21 ~~least one of the appointees shall have experience in serving elderly clients~~  
22 ~~or clients with physical disabilities.~~

23 ~~(c) Five tribal members who represent agencies serving the persons~~  
24 ~~with developmental disabilities.~~

25 ~~(d) Two tribal members who represent tribal organizations or~~  
26 ~~metropolitan Indian centers.~~

27 ~~(e) Three tribal members serving at large.~~

28 1. TWENTY-TWO REPRESENTATIVES OF THE FEDERALLY RECOGNIZED AMERICAN  
29 INDIAN TRIBES IN THIS STATE WHO ARE APPOINTED BY THE GOVERNOR. EACH  
30 FEDERALLY RECOGNIZED AMERICAN INDIAN TRIBE IN THIS STATE MAY RECOMMEND TO THE  
31 GOVERNOR NAMES OF PERSONS TO REPRESENT THE TRIBE ON AND FOR APPOINTMENT TO  
32 THE COUNCIL. REPRESENTATIVES SHALL BE APPOINTED FROM THOSE NAMES SUBMITTED  
33 BY THE TRIBES. RECOMMENDED REPRESENTATIVES MAY HAVE EXPERIENCE SERVING THE  
34 ELDERLY, YOUTH, CHILDREN OR FAMILIES OR PERSONS WITH DISABILITIES.

35 2. ONE REPRESENTATIVE FROM THE INTER TRIBAL COUNCIL OF ARIZONA WHO IS  
36 RECOMMENDED BY THE PRESIDENT OF THE INTER TRIBAL COUNCIL OF ARIZONA AND WHO  
37 IS APPOINTED BY GOVERNOR.

38 3. ONE REPRESENTATIVE FROM AN URBAN INDIAN HEALTH ORGANIZATION IN THIS  
39 STATE THAT RECEIVES INDIAN HEALTH SERVICES FUNDING PURSUANT TO 25 UNITED  
40 STATES CODE CHAPTER 18 WHO IS RECOMMENDED JOINTLY BY THE URBAN INDIAN HEALTH  
41 ORGANIZATIONS AND WHO IS APPOINTED BY THE GOVERNOR.

42 ~~2-~~ 4. One representative from the Arizona health care cost  
43 containment system WHO IS appointed by the director.

44 ~~3-~~ 5. One representative from the department of health services WHO  
45 IS appointed by the director of the department of health services.

1           ~~4.~~ 6. One representative from the department of economic security WHO  
2 IS appointed by the director of the department of economic security.

3           7. ONE REPRESENTATIVE FROM THE ARIZONA EARLY CHILDHOOD DEVELOPMENT AND  
4 HEALTH BOARD WHO IS APPOINTED BY THE EXECUTIVE DIRECTOR OF THE ARIZONA EARLY  
5 CHILDHOOD DEVELOPMENT AND HEALTH BOARD.

6           C. A MAJORITY OF THE COUNCIL MEMBERS SHALL BE MEMBERS OF FEDERALLY  
7 RECOGNIZED AMERICAN INDIAN TRIBES IN THIS STATE. THE COUNCIL SHALL CONTACT  
8 EACH TRIBE TO SOLICIT NAMES OF PERSONS TO RECOMMEND FOR EXPIRED TERMS UNDER  
9 SUBSECTION B, PARAGRAPH 1.

10          ~~B.~~ D. THE COUNCIL SHALL INVITE federal representatives of the centers  
11 for medicare and medicaid services, the Indian health service, the ~~bureau of~~  
12 ~~Indian affairs,~~ UNITED STATES SOCIAL SECURITY ADMINISTRATION AND the United  
13 States department of veterans affairs ~~and the executive office of management~~  
14 ~~and budget shall be invited by the governor~~ to serve as technical advisors to  
15 the council. THESE REPRESENTATIVES SHALL BE EX OFFICIO MEMBERS AND MAY SERVE  
16 A THREE-YEAR TERM ON THE COUNCIL.

17          ~~C.~~ E. Except as provided in subsection ~~A~~ B, paragraphs ~~2, 3 and 4,~~  
18 5, 6 AND 7 OF THIS SECTION, ~~no~~ A member of the council may NOT be an employee  
19 of this state.

20          ~~D.~~ F. Members of the council are not eligible to receive  
21 compensation, but ~~members appointed pursuant to subsection A, paragraphs 1~~  
22 ~~and 2~~ are eligible for reimbursement of expenses pursuant to title 38,  
23 chapter 4, article 2.

24          ~~E.~~ G. Members WHO ARE appointed pursuant to subsection ~~A~~ B,  
25 paragraph PARAGRAPHS 1, 2 AND 3 shall serve staggered ~~two year~~ THREE-YEAR  
26 terms. A ~~tribal~~ member who is absent without notice from three consecutive  
27 meetings vacates ~~his~~ THE INDIVIDUAL'S membership. The governor shall appoint  
28 a new member within thirty days ~~from~~ AFTER the third unexcused absence.  
29 Vacancies occurring on the council shall be filled for the balance of the  
30 term.

31          ~~F.~~ H. The council shall elect, FROM PERSONS APPOINTED PURSUANT TO  
32 SUBSECTION B, PARAGRAPH 1, 2 OR 3 OF THIS SECTION, a ~~chairman and~~  
33 ~~vice-chairman from its membership~~ CHAIRPERSON AND VICE CHAIRPERSON. The  
34 ~~chairman and vice-chairman~~ CHAIRPERSON AND VICE CHAIRPERSON shall be members  
35 of a federally recognized ~~Arizona~~ AMERICAN Indian tribe IN THIS STATE. The  
36 election shall be held the ~~first~~ SECOND Monday in ~~October of each~~ JULY EVERY  
37 OTHER year. The term of office shall be ~~one year~~ TWO YEARS. The council  
38 shall meet at least six times a year and may meet more often at the call of  
39 the ~~chairman or vice-chairman~~ CHAIRPERSON OR VICE CHAIRPERSON. A majority of  
40 ~~the~~ SEATED council MEMBERS constitutes a quorum.

41          ~~G.~~ I. ~~A~~ AN EX OFFICIO member serving pursuant to subsection ~~B~~ D OF  
42 THIS SECTION is not eligible to vote and is not a member for purposes of  
43 determining whether a quorum is present.

44          ~~H.~~ J. Meetings are open to the public and minutes of each meeting are  
45 open for public inspection.



1           ~~(e)~~ (g) Notwithstanding section 36-2903.01, subsection B, in  
2 conjunction with the administration AND A TRIBE THAT OPERATES A TEMPORARY  
3 ASSISTANCE FOR NEEDY FAMILIES PROGRAM, request a federal waiver from the  
4 United States department of health and human services that allows tribal  
5 governments that perform eligibility determinations for temporary assistance  
6 for needy families programs to perform the medicaid eligibility  
7 determinations for persons who apply for services pursuant to section  
8 36-2901, paragraph 6, subdivision (a). If the waiver is approved, the state  
9 shall provide the state matching monies for the administrative costs  
10 associated with the medicaid eligibility based on federal guidelines. As  
11 part of the waiver, the administration shall recoup from a tribal government  
12 all federal fiscal sanctions that result from inaccurate eligibility  
13 determinations.

14           ~~(f)~~ (h) Perform other duties as requested by the legislature.

15           B. The director, on notification by the ~~advisory~~ council, shall  
16 include the amount of the COUNCIL'S appropriation request in the  
17 ~~administration's~~ AGENCY'S annual appropriations request.

18           Sec. 3. Retention of members

19           Notwithstanding section 36-2902.01, Arizona Revised Statutes, as  
20 amended by this act, all persons serving as members of the Arizona advisory  
21 council on Indian health care on the effective date of this act may continue  
22 to serve until the expiration of their normal terms. The governor shall make  
23 all subsequent appointments as prescribed by statute.