

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

CHAPTER 190

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~~ MAY
28 appoint a new member within thirty days ~~from~~ AFTER the third unexcused
29 absence. Vacancies occurring on the council shall be filled for the balance
30 of the 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 Sec. 2. Section 36-2902.02, Arizona Revised Statutes, is amended to
2 read:

3 36-2902.02. Arizona advisory council on Indian health care:
4 duties: appropriation request

5 A. The ARIZONA advisory council on Indian health care shall:

6 1. Hire and employ a director who shall hire and employ staff, subject
7 to legislative appropriation, for purposes relating to the functions of the
8 ~~advisory~~ council. The staff shall provide technical assistance to tribal
9 governments on tribal health care initiatives. The director, on behalf of
10 the council, shall annually notify the director of the Arizona health care
11 cost containment system administration of the amount of appropriation
12 required by the council for the following fiscal year.

13 2. ~~ASSIST TRIBES AND URBAN INDIAN HEALTH ORGANIZATIONS TO develop a-~~
14 comprehensive MEDICAL AND PUBLIC health care delivery and financing ~~system~~
15 ~~for American Indians, specific to each Arizona Indian tribe, with a focus on~~
16 ~~creating Indian health care demonstration projects pursuant to title XIX of~~
17 ~~the social security act~~ SYSTEMS TO MEET THE NEEDS OF AMERICAN INDIAN TRIBES
18 IN THIS STATE. In performing this duty, the ~~advisory~~ council shall:

19 ~~(a) Develop a comprehensive health care delivery and financing system,~~
20 ~~specific to each Arizona Indian tribe, that uses title XIX funds and builds~~
21 ~~on currently available private, state and federal funds.~~

22 ~~(b)~~ (a) ~~Develop~~ RECOMMEND new title XIX AND XXI PROGRAMS, SERVICES,
23 FUNDING OPTIONS, POLICIES AND demonstration projects, ~~specific to each~~
24 ~~Arizona~~ TO MEET THE NEEDS OF AMERICAN Indian ~~tribe~~ TRIBES AND URBAN INDIAN
25 HEALTH ORGANIZATIONS, both on and off reservations, in cooperation with this
26 state and the federal government.

27 ~~(c)~~ (b) Facilitate communications, planning, ADVOCACY and discussion
28 among tribes, ~~AND URBAN INDIAN HEALTH ORGANIZATIONS IN THIS STATE AND WITH~~
29 this state and federal agencies regarding operations, financing, policy and
30 legislation relating to Indian MEDICAL AND PUBLIC health care.

31 ~~(d)~~ (c) Recommend and advocate tribal, state and federal policy and
32 legislation that ~~supports~~ SUPPORT the design and implementation of MEDICAL
33 AND PUBLIC health care delivery and financing systems ~~specific to each~~
34 ~~Arizona Indian tribe~~ FOR TRIBES AND URBAN INDIAN HEALTH ORGANIZATIONS IN THIS
35 STATE.

36 (d) CONDUCT AND COMMISSION STUDIES AND RESEARCH TO FURTHER THE PURPOSE
37 OF THE COUNCIL AND TO ADDRESS IDENTIFIED INDIAN HEALTH CARE DISPARITIES IN
38 THIS STATE.

39 (e) CONDUCT PERIODIC PUBLIC HEARINGS TO GATHER INPUT AND
40 RECOMMENDATIONS FROM TRIBAL POPULATIONS ON THEIR HEALTH CARE ISSUES AND
41 CONCERNS.

42 (f) APPLY FOR AND SEEK GRANTS, CONTRACTS AND FUNDING TO FURTHER THE
43 PURPOSE OF THE COUNCIL. THE FUNDING SHALL SUPPLEMENT AND NOT DIMINISH ANNUAL
44 APPROPRIATIONS FOR THE COUNCIL.

45 ~~(e)~~ (g) Notwithstanding section 36-2903.01, subsection B, in
46 conjunction with the administration AND A TRIBE THAT OPERATES A TEMPORARY

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

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

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

16 Sec. 3. Retention of members

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

APPROVED BY THE GOVERNOR MAY 11, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 11, 2016.