

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

CHAPTER 302

HOUSE BILL 2599

AN ACT

AMENDING TITLE 36, CHAPTER 29, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-2930.02; 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. Title 36, chapter 29, article 1, Arizona Revised Statutes,
3 is amended by adding section 36-2930.02, to read:

4 36-2930.02. Provider participation; grounds for exclusion;
5 rules; definition

6 A. THE ADMINISTRATION SHALL EXCLUDE FROM PARTICIPATION IN THE SYSTEM
7 ANY INDIVIDUAL OR ENTITY THAT MEETS ANY BASIS FOR MANDATORY EXCLUSION
8 DESCRIBED IN 42 CODE OF FEDERAL REGULATIONS SECTION 1001.101.

9 B. THE ADMINISTRATION, IN ITS SOLE DISCRETION, MAY EXCLUDE FROM
10 PARTICIPATION IN THE SYSTEM ANY INDIVIDUAL OR ENTITY THAT HAS DONE ANY OF THE
11 FOLLOWING:

12 1. MET ANY BASIS FOR PERMISSIVE EXCLUSION DESCRIBED IN 42 CODE OF
13 FEDERAL REGULATIONS SECTION 1002.210.

14 2. COMMITTED ANY ACT PROHIBITED BY SECTION 36-2918 OR 36-2957.

15 3. BEEN FOUND LIABLE FOR THE NEGLECT OF A PATIENT THAT RESULTS IN
16 DEATH OR INJURY.

17 4. ENGAGED IN THE UNLAWFUL DISPOSAL OF MEDICAL WASTE IN VIOLATION OF
18 FEDERAL, STATE OR LOCAL LAW.

19 5. SUBMITTED A CLAIM FOR A PROCEDURE PERFORMED IN ASSOCIATION WITH AN
20 ABORTION IN VIOLATION OF FEDERAL OR STATE LAW.

21 6. FAILED TO SEGREGATE TAXPAYER DOLLARS FROM ABORTIONS, INCLUDING THE
22 USE OF TAXPAYER DOLLARS FOR ANY OVERHEAD EXPENSES ATTRIBUTABLE TO ABORTIONS.

23 7. FAILED TO COMPLY WITH FEDERAL OR STATE LAW REQUIRING MANDATORY
24 REPORTING OF SEXUAL ABUSE, SEXUAL ASSAULT, CHILD OR SEX TRAFFICKING OR
25 STATUTORY RAPE.

26 C. THE DELINEATION OF GROUNDS FOR EXCLUSION PURSUANT TO SUBSECTIONS A
27 AND B OF THIS SECTION DOES NOT EXCLUDE ANY OTHER BASIS FOR EXCLUSION PURSUANT
28 TO STATE LAW OR ANY RULE ADOPTED BY THE ADMINISTRATION.

29 D. THE DIRECTOR SHALL ADOPT RULES THAT PRESCRIBE PROCEDURES FOR
30 DETERMINING THE LENGTH OF EXCLUSION, APPEALING THE EXCLUSION DETERMINATION
31 AND REQUESTING REINSTATEMENT FOLLOWING AN EXCLUSION.

32 E. FOR THE PURPOSES OF THIS SECTION, "EXCLUDE" MEANS THAT ITEMS AND
33 SERVICES FURNISHED, ORDERED OR PRESCRIBED BY A SPECIFIED INDIVIDUAL OR ENTITY
34 WILL NOT BE REIMBURSED BY THE ADMINISTRATION, A CONTRACTOR OR ANY AGENT OF
35 THE ADMINISTRATION OR A CONTRACTOR. EXCLUDE INCLUDES THE TERMINATION OF A
36 PROVIDER AGREEMENT OR THE ADMINISTRATION'S REFUSAL TO ENTER INTO A PROVIDER
37 AGREEMENT.

38 Sec. 2. Short title

39 This act shall be known as the "Taxpayer Protection and Medicaid
40 Integrity Act".

41 Sec. 3. Severability

42 If a provision of this act or its application to any person or
43 circumstance is held invalid, the invalidity does not affect other provisions
44 or applications of the act that can be given effect without the invalid
45 provision or application, and to this end the provisions of this act are
46 severable.

H.B. 2599

APPROVED BY THE GOVERNOR MAY 17, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 17, 2016.