

State of Arizona  
Senate  
Fifty-second Legislature  
First Regular Session  
2015

# SENATE BILL 1092

AN ACT

AMENDING TITLE 36, CHAPTER 29, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-2903.09; 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 36-2903.09, 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 THE  
6 CENTERS FOR MEDICARE AND MEDICAID SERVICES FOR WAIVERS OR AMENDMENTS TO THE  
7 CURRENT SECTION 1115 WAIVER TO ALLOW THIS STATE TO:

8 1. INSTITUTE A WORK REQUIREMENT FOR ALL ABLE-BODIED ADULTS RECEIVING  
9 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 COMPLIANCE  
17 WITH REQUIREMENTS OF SUBDIVISION (a) OF THIS PARAGRAPH AND ANY CHANGE IN  
18 FAMILY INCOME.

19 (c) REQUIRE THE ADMINISTRATION TO CONFIRM AN ELIGIBLE PERSON'S CHANGE  
20 IN FAMILY INCOME AS REPORTED UNDER SUBDIVISION (b) OF THIS PARAGRAPH AND  
21 REDETERMINE THE PERSON'S ELIGIBILITY UNDER THIS ARTICLE.

22 (d) ALLOW THE ADMINISTRATION TO BAN AN ELIGIBLE PERSON FROM ENROLLMENT  
23 FOR ONE YEAR IF THE ELIGIBLE PERSON KNOWINGLY FAILED TO REPORT A CHANGE IN  
24 FAMILY INCOME OR MADE A FALSE STATEMENT REGARDING COMPLIANCE WITH THE  
25 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 YEARS  
31 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 BY  
36 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 WAIVER  
39 OR AMENDMENT TO THE CURRENT SECTION 1115 WAIVER AND DOES NOT INCLUDE ANY  
40 PREVIOUS TIME A PERSON RECEIVED BENEFITS UNDER THIS ARTICLE. THE LIFETIME  
41 LIMIT UNDER THIS PARAGRAPH DOES NOT INCLUDE ANY TIME DURING WHICH THE PERSON  
42 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 OF  
45 AGE.

1 (c) IS CURRENTLY RECEIVING TEMPORARY OR PERMANENT LONG-TERM DISABILITY  
2 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 ELIGIBILITY  
6 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 6,  
9 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 OR  
14 WHEN IT IS NOT MEDICALLY NECESSARY.

15 B. IN ANY YEAR, THE DIRECTOR SHALL APPLY UNDER SUBSECTION A OF THIS  
16 SECTION FOR ONLY THE WAIVERS OR AMENDMENTS TO THE CURRENT SECTION 1115 WAIVER  
17 THAT HAVE NOT BEEN APPROVED AND ARE NOT IN EFFECT.

18 C. ON OR BEFORE APRIL 1 OF EACH YEAR, THE DIRECTOR SHALL SUBMIT A  
19 LETTER CONFIRMING THE SUBMISSION OF THE WAIVER REQUESTS REQUIRED UNDER  
20 SUBSECTION A OF THIS SECTION TO THE GOVERNOR, THE PRESIDENT OF THE SENATE AND  
21 THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

22 D. FOR THE PURPOSES OF THIS SECTION:

23 1. "ABLE-BODIED" MEANS AN INDIVIDUAL WHO IS PHYSICALLY AND MENTALLY  
24 CAPABLE OF WORKING.

25 2. "ADULT" MEANS AN INDIVIDUAL WHO IS AT LEAST NINETEEN YEARS OF AGE.

26 Sec. 2. Rulemaking: exemption

27 For the purposes of implementing this act, the Arizona health care cost  
28 containment system administration is exempt from the rulemaking requirements  
29 of title 41, chapter 6, Arizona Revised Statutes, for one year after the  
30 effective date of this act.