REFERENCE TITLE: AHCCCS; annual waiver; applicability.

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

HB 2228

Introduced by
Representatives Cook: Benally, Campbell, Clodfelter, Descheenie,
Gonzales, John, Mitchell, Payne, Saldate, Shooter, Stringer, Thorpe,
Toma, Senators Borrelli, Peshlakai, Pratt, Smith

AN ACT

AMENDING SECTION 36-2903.09, ARIZONA REVISED STATUTES; RELATING TO THE
ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 36-2903.09, Arizona Revised Statutes, is amended to read:

36-2903.09. Waivers; annual submittal; definitions
A. On or before March 30 of each year, the director shall apply to the centers for medicare and medicaid services for waivers or amendments to the current section 1115 waiver to allow this state to:

1. Institute a work requirement for all able-bodied adults receiving services pursuant to this article. The work requirement shall:
   (a) Require an eligible person to either:
      (i) Become employed.
      (ii) Actively seek employment, which would be verified by the department.
      (iii) Attend school or a job training program, or both, at least twenty hours per week.
   (b) Require an eligible person to verify on a monthly basis compliance with requirements of subdivision (a) of this paragraph and any change in family income.
   (c) Require the administration to confirm an eligible person's change in family income as reported under subdivision (b) of this paragraph and redetermine the person's eligibility under this article.
   (d) Allow the administration to ban an eligible person from enrollment for one year if the eligible person knowingly failed to report a change in family income or made a false statement regarding compliance with the requirements of subdivision (a) of this paragraph.
   (e) Allow for an exemption if a person meets any of the following conditions:
      (i) Is at least nineteen years of age but is still attending high school as a full-time student.
      (ii) Is the sole caregiver of a family member who is under six years of age.
      (iii) Is currently receiving temporary or permanent long-term disability benefits from a private insurer or from the government.
      (iv) Has been determined to be physically or mentally unfit for employment by a health care professional in accordance with rules adopted by the administration.

2. Place on able-bodied adults a lifetime limit of five years of benefits under this article that begins on the effective date of the waiver or amendment to the current section 1115 waiver and does not include any previous time a person received benefits under this article. The lifetime limit under this paragraph does not include any time during which the person meets any of the following conditions:
   (a) Is pregnant.
   (b) Is the sole caregiver of a family member who is under six years of age.
(c) Is currently receiving temporary or permanent long-term disability benefits from a private insurer or from the government.

(d) Is at least nineteen years of age but is still attending high school as a full-time student.

(e) Is employed full time but continues to meet the income eligibility requirements under this article.

(f) Is enrolled before reaching nineteen years of age.

(g) Is an eligible person as defined in section 36-2901, paragraph 6, subdivision (a), item (iii).

3. Develop and impose meaningful cost-sharing requirements to deter both:

   (a) The nonemergency use of emergency departments.

   (b) The use of ambulance services for nonemergency transportation or when it is not medically necessary.

B. SUBSECTION A OF THIS SECTION DOES NOT INCLUDE OR APPLY TO AMERICAN INDIANS OR ALASKA NATIVES WHO ARE ELIGIBLE FOR SERVICES UNDER THIS ARTICLE, THROUGH THE INDIAN HEALTH SERVICE OR THROUGH A TRIBAL OR URBAN INDIAN HEALTH PROGRAM PURSUANT TO THE INDIAN SELF-DETERMINATION AND EDUCATION ASSISTANCE ACT (25 UNITED STATES CODE CHAPTER 46) AND THE INDIAN HEALTH CARE IMPROVEMENT ACT (25 UNITED STATES CODE CHAPTER 18).

C. In any year, the director shall apply under subsection A of this section for only the waivers or amendments to the current section 1115 waiver that have not been approved and are not in effect.

D. On or before April 1 of each year, the director shall submit a letter confirming the submission of the waiver requests required under subsection A of this section to the governor, the president of the senate and the speaker of the house of representatives.

E. For the purposes of this section:

1. "Able-bodied" means an individual who is physically and mentally capable of working.

2. "Adult" means an individual who is at least nineteen years of age.