CHAPTER 25

HOUSE BILL 2088

AN ACT

AMENDING SECTION 36-2936, ARIZONA REVISED STATUTES; RELATING TO THE ARIZONA LONG-TERM CARE SYSTEM.

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

Section 1. Section 36-2936, Arizona Revised Statutes, is amended to read:

36-2936. Preadmission screening programs; functional tests; screening review

A. The director shall adopt rules establishing a uniform statewide preadmission screening program to determine if a person who has met the eligibility criteria prescribed in section 36-2934 is eligible for institutional services pursuant to this article. To be eligible for institutional services or home and community based services as defined in section 36-2931, a person shall have a nonpsychiatric medical condition or have a developmental disability as defined in section 36-551 that, by itself or in combination with other medical conditions, necessitates the level of care that is provided in a nursing facility or intermediate care facility. These rules shall establish a uniform preadmission screening instrument that assesses the functional, medical, nursing, social and developmental needs of the applicant.

B. A person is not eligible to receive home and community based services unless that person has been determined to need institutional services as determined by the preadmission screening instrument pursuant to subsection C of this section. The administration shall establish guidelines for the periodic reassessment of each member.

C. D. Preadmission screening conducted pursuant to subsection B of this section shall be conducted telephonically or virtually, unless the administration determines it is necessary to conduct the assessment in person or the applicant being screened or the applicant's representative requests an in-person assessment. The administration shall provide notice to applicants that the purpose of preadmission screening is to conduct a meaningful review of an applicant's medical needs, functional capacity, social and developmental needs and emotional and cognitive behaviors. The notice shall inform applicants that the applicant or the applicant's representative may request an in-person assessment and may request accommodations in the preadmission screening process under the Americans with Disabilities Act of 1990.

D. Preadmission screening conducted pursuant to subsection B of this section shall be conducted by a registered nurse who is licensed pursuant to title 32, chapter 15 or by a social worker. The nurse or social worker shall have a physician who is licensed pursuant to title 32, chapter 13 or 17 available for consultation and may use the applicant's attending physician's physical assessment form, if appropriate, in assessing needs for long-term care services under this article. A physician who receives a referral from the nurse or social worker may use the physician's medical judgment to determine the medical eligibility of an applicant for the system or the continued medical eligibility of a member or eligible person. In the medical referral, the physician shall
use the established combined thresholds for functional ability and medical condition as a guide to determine the risk of institutionalization.

D. E. If a person who is eligible for services pursuant to this article, who is enrolled with a program contractor pursuant to this article and who is enrolled with a program contractor pursuant to section 36-2940 fails the preadmission screening for institutional services pursuant to subsection A of this section at the time of a reassessment, the administration may administer a second preadmission screening designed to measure the functioning level of the person based on rules adopted by the director. If the person meets the established thresholds of the functional preadmission screening, the person is eligible for home and community based services pursuant to section 36-2939, subsection A, paragraphs 2, 3 and 4, subsection B, paragraph 2 and subsection C. If a person who is determined eligible pursuant to this subsection is institutionalized pursuant to section 36-2939, including residence in an intermediate care facility, institution for mental disease, inpatient psychiatric facility or nursing facility, the person has a maximum of ninety days to vacate the institutional setting and relocate to a home and community based setting approved pursuant to section 36-2939.

F. If the person is determined not to need services pursuant to this section, the administration shall provide the person with information on other available community services.

G. The administration or its designee shall complete the preadmission screening under subsection A of this section within eight days, excluding Saturdays and holidays, and excluding the time period allowed to determine eligibility pursuant to section 36-2934.

H. If a provider who contracts with the administration pursuant to section 36-2904, subsection A is dissatisfied with any action or decision of the administration regarding the eligibility of a person for the system as prescribed in this article, that provider may file a grievance in accordance with the provider grievance procedure prescribed in section 36-2932, subsection I, paragraph 1. If the director determines pursuant to the grievance process that the person should have been determined eligible pursuant to section 36-2933, the director may reimburse the provider for the net cost of services provided pursuant to this article after the cumulative time periods allowed pursuant to section 36-2934 and this section.

I. In addition to those persons seeking services pursuant to this article, the preadmission screening conducted pursuant to this section shall be made available to all other persons applying for admission to a nursing care institution. The cost of preadmission screenings conducted by the administration pursuant to this subsection shall be borne by the state. The administration shall provide nursing care institutions and the general public on request with detailed information about the preadmission screening program and booklets that
describe in clear and simple language the availability of services and benefits from the system. The booklet shall:

1. Explain the availability of preadmission screening that will assess the functional, medical, nursing and social needs of the patient and make recommendations on services that meet the patient’s needs as identified by the preadmission screening assessment.

2. Describe the availability of public and private services appropriate to meet the patient's needs in institutions and alternatives to institutions.

3. Explain financial eligibility standards for the Arizona long-term care system and its effect on separate and community property.

J. In addition to the preadmission screening program established in this section, the administration shall implement the preadmission screening program as set forth in section 1919 of the social security act. For persons applying for admission to a title XIX certified nursing care institution, an initial level I preadmission screening shall be conducted by the administration on all nursing care institution applicants who are applying for eligibility pursuant to section 36-2933 and by the nursing care institution on all other nursing care institution applicants. The administration shall develop a uniform identification screening instrument, which shall be used by the nursing care institution and the administration in conducting the initial level I screens. If the identification screen indicates the applicant may be mentally ill, the applicant shall be referred to the department of health services ADMINISTRATION, which shall conduct the level II preadmission screening review using a level II screening instrument developed by the department of health services ADMINISTRATION. If the identification screen indicates the applicant may have an intellectual disability, the applicant shall be referred to the department, which shall conduct the level II preadmission screening review using a level II screening instrument developed by the department.

K. Within ten working days a nursing care institution shall notify the department of health services ADMINISTRATION for a person who is mentally ill or the department of economic security for a person with developmental disabilities and the department of child safety if the person is a minor dependent of this state about any significant change that occurs in the physical or mental condition of a member who is residing in the nursing care institution. The department of health services ADMINISTRATION or the department of economic security shall conduct a subsequent level II screening review of the member within the time frame required by the administration after the notification by the nursing care institution.