

REFERENCE TITLE: children's health insurance; waiting period

State of Arizona
House of Representatives
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HB 2564

Introduced by
Representatives Stahl Hamilton: Cano, Friese, Hernandez M, Longdon,
Rodriguez, Salman, Shah

AN ACT

AMENDING SECTION 36-2983, ARIZONA REVISED STATUTES; RELATING TO THE
CHILDREN'S HEALTH INSURANCE PROGRAM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-2983, Arizona Revised Statutes, is amended to
3 read:

4 36-2983. Eligibility for the program

5 A. The administration shall establish a streamlined eligibility
6 process for applicants to the program and shall issue a certificate of
7 eligibility at the time eligibility for the program is determined.
8 Eligibility shall be based on gross household income for a member as
9 defined in section 36-2981. The administration shall not apply a resource
10 test in the eligibility determination or redetermination process.

11 B. The administration shall use a simplified eligibility form that
12 may be mailed to the administration. Once a completed application is
13 received, including adequate verification of income, the administration
14 shall expedite the eligibility determination and enrollment on a
15 prospective basis.

16 C. The date of eligibility is the first day of the month following
17 a determination of eligibility if the decision is made by the twenty-fifth
18 day of the month. A person who is determined eligible for the program
19 after the twenty-fifth day of the month is eligible for the program the
20 first day of the second month following the determination of eligibility.

21 D. An applicant for the program who appears to be eligible pursuant
22 to section 36-2901, paragraph 6, subdivision (a) shall have a social
23 security number or shall apply for a social security number within thirty
24 days after the applicant submits an application for the program.

25 E. In order to be eligible for the program, a person shall be a
26 resident of this state and shall meet title XIX requirements for United
27 States citizenship or qualified alien status in the manner prescribed in
28 section 36-2903.03.

29 F. In determining the eligibility for all qualified aliens pursuant
30 to this article, the income and resources of a person who executed an
31 affidavit of support pursuant to section 213A of the immigration and
32 nationality act on behalf of the qualified alien and the income and
33 resources of the spouse, if any, of the sponsoring individual shall be
34 counted at the time of application and for the redetermination of
35 eligibility for the duration of the attribution period as specified in
36 federal law.

37 G. Pursuant to federal law, a person is not eligible for the
38 program if that person is:

39 1. Eligible for title XIX or other federally operated or financed
40 health care insurance programs, except the Indian health service.

41 2. Covered by any group health plan or other health insurance
42 coverage as defined in section 2791 of the public health service
43 act. ~~Group health plan or other health insurance coverage does not
44 include coverage to persons who are defined as eligible pursuant to the
45 premium sharing program.~~

1 3. A member of a family that is eligible for health benefits
2 coverage under a state health benefit plan based on a family member's
3 employment with a public agency in this state.

4 4. An inmate of a public institution or a patient in an institution
5 for mental diseases. This paragraph does not apply to services furnished
6 in a state operated mental hospital or to residential or other twenty-four
7 hour therapeutically planned structured services.

8 H. A child who is covered under an employer's group health
9 insurance plan or through family or individual health care coverage shall
10 not be enrolled in the program. If the health insurance coverage is
11 ~~voluntarily discontinued for any reason, except for the loss of health~~
12 ~~insurance due to loss of employment or other involuntary reason,~~ the child
13 ~~is not~~ MAY BE eligible for the program ~~for a period of three months from~~
14 ~~the date that the health care coverage was discontinued. The~~
15 ~~administration may waive the three month period for any child who is~~
16 ~~seriously or chronically ill. For the purposes of the waiver,~~
17 ~~"chronically ill" means a medical condition that requires frequent and~~
18 ~~ongoing treatment and that if not properly treated will seriously affect~~
19 ~~the child's overall health. The administration shall establish rules to~~
20 ~~further define conditions that constitute a serious or chronic illness~~
21 IMMEDIATELY AND ENROLLED ONCE ELIGIBILITY IS DETERMINED PURSUANT TO
22 SUBSECTION C OF THIS SECTION.

23 I. Pursuant to federal law, a private insurer, as defined by the
24 secretary of the United States department of health and human services,
25 shall not limit enrollment by contract or any other means based on the
26 presumption that a child may be eligible for the program.