

Senate Engrossed

AHCCCS; postpartum care; eligibility; appropriations

State of Arizona  
Senate  
Fifty-fifth Legislature  
Second Regular Session  
2022

# SENATE BILL 1272

AN ACT

AMENDING SECTION 36-2901, ARIZONA REVISED STATUTES; APPROPRIATING MONIES;  
RELATING TO THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM  
ADMINISTRATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 36-2901, Arizona Revised Statutes, is amended to  
3 read:

4 36-2901. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Administration" means the Arizona health care cost containment  
7 system administration.

8 2. "Administrator" means the administrator of the Arizona health  
9 care cost containment system.

10 3. "Contractor" means a person or entity that has a prepaid  
11 capitated contract with the administration pursuant to section 36-2904 or  
12 chapter 34 of this title to provide health care to members under this  
13 article or persons under chapter 34 of this title either directly or  
14 through subcontracts with providers.

15 4. "Department" means the department of economic security.

16 5. "Director" means the director of the Arizona health care cost  
17 containment system administration.

18 6. "Eligible person" means any person who is:

19 (a) Any of the following:

20 (i) Defined as mandatorily or optionally eligible pursuant to title  
21 XIX of the social security act as authorized by the state plan.

22 (ii) Defined in title XIX of the social security act as an eligible  
23 pregnant woman **OR A WOMAN WHO IS LESS THAN ONE YEAR POSTPARTUM** with a  
24 family income that does not exceed one hundred fifty percent of the  
25 federal poverty guidelines, as a child under the age of six years and  
26 whose family income does not exceed one hundred thirty-three percent of  
27 the federal poverty guidelines or as children who have not attained  
28 nineteen years of age and whose family income does not exceed one hundred  
29 thirty-three percent of the federal poverty guidelines.

30 (iii) Under twenty-six years of age and who was in the custody of  
31 the department of child safety pursuant to title 8, chapter 4 when the  
32 person became eighteen years of age.

33 (iv) Defined as eligible pursuant to section 36-2901.01.

34 (v) Defined as eligible pursuant to section 36-2901.04.

35 (vi) Defined as eligible pursuant to section 36-2901.07.

36 (b) A full-time officer or employee of this state or of a city,  
37 town or school district of this state or other person who is eligible for  
38 hospitalization and medical care under title 38, chapter 4, article 4.

39 (c) A full-time officer or employee of any county in this state or  
40 other persons authorized by the county to participate in county medical  
41 care and hospitalization programs if the county in which such officer or  
42 employee is employed has authorized participation in the system by  
43 resolution of the county board of supervisors.

44 (d) An employee of a business within this state.

1 (e) A dependent of an officer or employee who is participating in  
2 the system.

3 (f) Not enrolled in the Arizona long-term care system pursuant to  
4 article 2 of this chapter.

5 (g) Defined as eligible pursuant to section 1902(a)(10)(A)(ii)(XV)  
6 and (XVI) of title XIX of the social security act and who meets the income  
7 requirements of section 36-2929.

8 7. "Graduate medical education" means a program, including an  
9 approved fellowship, that prepares a physician for the independent  
10 practice of medicine by providing didactic and clinical education in a  
11 medical discipline to a medical student who has completed a recognized  
12 undergraduate medical education program.

13 8. "Malice" means evil intent and outrageous, oppressive or  
14 intolerable conduct that creates a substantial risk of tremendous harm to  
15 others.

16 9. "Member" means an eligible person who enrolls in the system.

17 10. "Modified adjusted gross income" has the same meaning prescribed  
18 in 42 United States Code section 1396a(e)(14).

19 11. "Noncontracting provider" means a person who provides health  
20 care to members pursuant to this article but not pursuant to a subcontract  
21 with a contractor.

22 12. "Physician" means a person WHO IS licensed pursuant to title 32,  
23 chapter 13 or 17.

24 13. "Prepaid capitated" means a mode of payment by which a health  
25 care contractor directly delivers health care services for the duration of  
26 a contract to a maximum specified number of members based on a fixed rate  
27 per member notwithstanding:

28 (a) The actual number of members who receive care from the  
29 contractor.

30 (b) The amount of health care services provided to any member.

31 14. "Primary care physician" means a physician who is a family  
32 practitioner, general practitioner, pediatrician, general internist, or  
33 obstetrician or gynecologist.

34 15. "Primary care practitioner" means a nurse practitioner OR  
35 CERTIFIED NURSE MIDWIFE WHO IS certified pursuant to title 32, chapter 15  
36 or a physician assistant ~~certified~~ WHO IS LICENSED pursuant to title 32,  
37 chapter 25. This paragraph does not expand the scope of practice for  
38 nurse practitioners OR CERTIFIED NURSE MIDWIVES as defined pursuant to  
39 title 32, chapter 15, or for physician assistants as defined pursuant to  
40 title 32, chapter 25.

41 16. "Regional behavioral health authority" has the same meaning  
42 prescribed in section 36-3401.

43 17. "Section 1115 waiver" means the research and demonstration  
44 waiver granted by the United States department of health and human  
45 services.

1           18. "Special health care district" means a special health care  
2 district organized pursuant to title 48, chapter 31.

3           19. "State plan" has the same meaning prescribed in section 36-2931.

4           20. "System" means the Arizona health care cost containment system  
5 established by this article.

6           Sec. 2. Appropriations; Arizona health care cost containment  
7 system

8           The sums of \$2,700,000 from the state general fund and \$6,200,000  
9 from federal medicaid expenditure authority are appropriated to the  
10 Arizona health care cost containment system administration in fiscal year  
11 2022-2023 for services to eligible women who are less than one year  
12 postpartum pursuant to section 36-2901, Arizona Revised Statutes, as  
13 amended by this act.

14           Sec. 3. Conditional enactment; notice

15           A. This act does not become effective unless on or before July 1,  
16 2023 the centers for medicare and medicaid services authorizes the Arizona  
17 health care cost containment system administration to either redetermine  
18 the eligibility of members who are less than one year postpartum and are  
19 under one hundred thirty-three percent of the federal poverty level or use  
20 another methodology that enables the administration to provide coverage  
21 for eligible postpartum women pursuant to section 36-2901, Arizona Revised  
22 Statutes, as amended by this act, within the existing appropriation.

23           B. The director of the Arizona health care cost containment system  
24 shall notify the director of the Arizona legislative council in writing on  
25 or before July 1, 2023 either:

- 26           1. Of the date on which the condition was met.  
27           2. That the condition was not met.