

REFERENCE TITLE: **eligibility determinations; developmental disabilities**

State of Arizona
House of Representatives
Fifty-seventh Legislature
First Regular Session
2025

HB 2174

Introduced by
Representative Willoughby

AN ACT

AMENDING SECTIONS 36-559 AND 36-2933, ARIZONA REVISED STATUTES; RELATING TO DEVELOPMENTAL DISABILITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 36-559, Arizona Revised Statutes, is amended to
3 read:

4 36-559. Eligibility for developmental disabilities programs,
5 services and facilities

6 A. Except as provided in subsection B of this section, a person
7 ~~with~~ WHO HAS a developmental disability is eligible to apply for
8 developmental disabilities programs, services and facilities operated by,
9 licensed and supervised by or supported by the department if ~~such~~ THE
10 person BOTH:

11 1. Is a bona fide resident of the state of Arizona.

12 2. ~~Is a person with~~ HAS a developmental disability ~~as defined in~~
13 ~~this chapter~~ and provides medical and psychological documentation of ~~such~~
14 THE developmental disability ~~utilizing~~ USING tests ~~which~~ THAT are
15 culturally appropriate and valid, or is an infant and as a result of tests
16 performed pursuant to section 36-694, or other appropriate tests, there is
17 strongly demonstrated potential that the infant has a developmental
18 disability or will have a developmental disability.

19 B. ~~After the department conducts preadmission screening pursuant to~~
20 ~~section 36-2936 and determines that a person with a developmental~~
21 ~~disability may be potentially eligible for the Arizona long-term care~~
22 ~~system pursuant to chapter 29, article 2 of this title, the~~ A person shall
23 be referred to the Arizona health care cost containment system
24 administration for an eligibility determination pursuant to section
25 36-2933, if either of the following applies:

26 1. The person is a new applicant who is not receiving services and
27 applies for services pursuant to this chapter.

28 2. The person is eligible for services pursuant to this chapter and
29 would receive services, other than case management, if state funding were
30 available.

31 C. A person ~~who is referred to the Arizona health care cost~~
32 ~~containment system administration shall first be determined eligible or~~
33 ~~ineligible for the Arizona long-term care system, pursuant to chapter 29,~~
34 ~~article 2 of this title, before receiving services pursuant to this~~
35 ~~chapter. Applicants~~ who voluntarily ~~refuse~~ REFUSES to cooperate in the
36 eligibility process ~~are~~ IS not eligible for services pursuant to this
37 chapter. An applicant's or current service recipient's refusal to
38 establish or convert an estate or trust pursuant to section 36-2934.01
39 shall be deemed a voluntary refusal to cooperate. A form explaining loss
40 of benefits due to a voluntary refusal to cooperate shall be signed by the
41 applicant or current service recipient. Voluntary refusal to cooperate
42 shall not be construed to mean the applicant's inability to obtain
43 documentation required for eligibility determination.

1 D. The department shall determine eligibility FOR DEVELOPMENTAL
 2 DISABILITIES PROGRAMS, SERVICES AND FACILITIES PURSUANT TO THIS SECTION
 3 ONLY FOR PERSONS WHO HAVE BEEN DENIED ELIGIBILITY FOR SERVICES PURSUANT TO
 4 SECTION 36-2933. If the DEPARTMENT OF ECONOMIC SECURITY DETERMINES THE
 5 person is not eligible, the department of economic security shall refer
 6 the person to the department of health services for treatment as directed
 7 by the court to coordinate necessary and reasonable services. Services
 8 provided pursuant to this subsection are subject to the availability of
 9 funding.

10 Sec. 2. Section 36-2933, Arizona Revised Statutes, is amended to
 11 read:

12 36-2933. Eligibility determination; application; enrollment

13 A. A person who is seeking services pursuant to this article shall
 14 submit an application for eligibility for the system to the
 15 administration, which shall review the completed application to determine
 16 if the person meets the residency and, if applicable, the alienage
 17 requirements adopted pursuant to section 36-2932, subsection K and the
 18 eligibility criteria prescribed in section 36-2934.

19 B. The administration shall conduct a preadmission screening
 20 pursuant to section 36-2936 to determine ~~if~~ WHETHER the applicant is
 21 eligible for services.

22 C. A person who is a resident of this state and, if not a citizen
 23 of the United States, who meets the alienage requirements of federal law
 24 and who meets the eligibility criteria prescribed in section 36-2934 and
 25 who is determined eligible for services pursuant to section 36-2936 shall
 26 be enrolled in the system, unless ~~such~~ THE person is enrolled in the
 27 Arizona health care cost containment system pursuant to article 1 of this
 28 chapter and only needs convalescent care as defined by the director by
 29 rule.

30 D. On enrollment in the system, the administration shall conduct
 31 ~~post-eligibility~~ POSTELIGIBILITY treatment of income and resources of the
 32 member as prescribed in section 36-2932, subsection L.

33 ~~E. The director may enter into an interagency agreement with the~~
 34 ~~department under which the department may:~~

35 ~~1. Determine whether all persons with developmental disabilities as~~
 36 ~~defined in section 36-551 who apply to the system meet the eligibility~~
 37 ~~criteria prescribed in subsection A of this section.~~

38 ~~2. Conduct preadmission screening pursuant to subsection B of this~~
 39 ~~section on persons with developmental disabilities as defined in section~~
 40 ~~36-551 to determine if the applicant is eligible for services.~~

41 ~~3. Conduct post-eligibility treatment of income and resources~~
 42 ~~pursuant to subsection D of this section for a member who has a~~
 43 ~~developmental disability as defined in section 36-551.~~

1 E. THE DIRECTOR MAY NOT REQUIRE A PERSON WHO HAS A DEVELOPMENTAL
2 DISABILITY AS DEFINED IN SECTION 36-551 TO APPLY FOR DEVELOPMENTAL
3 DISABILITIES PROGRAMS, SERVICES AND FACILITIES PURSUANT TO SECTION 36-559
4 BEFORE OR AS A CONDITION OF SUBMITTING AN APPLICATION FOR ELIGIBILITY FOR
5 THE SYSTEM PURSUANT TO THIS SECTION.