

REFERENCE TITLE: ALTCS eligibility; psychiatric conditions

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

HB 2491

Introduced by
Representatives Hernandez C: Hernandez A

AN ACT

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

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

4 36-2936. Preadmission screening programs; functional tests;
5 screening review

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

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

24 C. Preadmission screening conducted pursuant to subsection B of
25 this section shall be conducted telephonically or virtually, unless the
26 administration determines it is necessary to conduct the assessment in
27 person or the applicant being screened or the applicant's representative
28 requests an in-person assessment. The administration shall provide notice
29 to applicants that the purpose of preadmission screening is to conduct a
30 meaningful review of an applicant's medical needs, functional capacity,
31 social and developmental needs and emotional and cognitive behaviors. The
32 notice shall inform applicants that the applicant or the applicant's
33 representative may request an in-person assessment and may request
34 accommodations in the preadmission screening process under the Americans
35 with disabilities act of 1990.

36 D. Preadmission screening conducted pursuant to subsection B of
37 this section shall be conducted by a registered nurse who is licensed
38 pursuant to title 32, chapter 15 or by a social worker. The nurse or
39 social worker shall have a physician who is licensed pursuant to title 32,
40 chapter 13 or 17 available for consultation and may use the applicant's
41 attending physician's physical assessment form, if appropriate, in
42 assessing needs for long-term care services under this article. A
43 physician who receives a referral from the nurse or social worker may use
44 the physician's medical judgment to determine the medical eligibility of
45 an applicant for the system or the continued medical eligibility of a

1 member or eligible person. In the medical referral, the physician shall
2 use the established combined thresholds for functional ability and medical
3 condition as a guide to determine the risk of institutionalization.

4 E. If a person who is eligible for services pursuant to this
5 article, who is enrolled with a program contractor pursuant to this
6 article and who is enrolled with a program contractor pursuant to section
7 36-2940 fails the preadmission screening for institutional services
8 pursuant to subsection A of this section at the time of a reassessment,
9 the administration may administer a second preadmission screening designed
10 to measure the functioning level of the person based on rules adopted by
11 the director. If the person meets the established thresholds of the
12 functional preadmission screening, the person is eligible for home and
13 community based services pursuant to section 36-2939, subsection A,
14 paragraphs 2, 3 and 4, subsection B, paragraph 2 and subsection C. If a
15 person who is determined eligible pursuant to this subsection is
16 institutionalized pursuant to section 36-2939, including residence in an
17 intermediate care facility, institution for mental disease, inpatient
18 psychiatric facility or nursing facility, the person has a maximum of
19 ninety days to vacate the institutional setting and relocate to a home and
20 community based setting approved pursuant to section 36-2939.

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

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

28 H. If a provider who contracts with the administration pursuant to
29 section 36-2904, subsection A is dissatisfied with any action or decision
30 of the administration regarding the eligibility of a person for the system
31 as prescribed in this article, that provider may file a grievance in
32 accordance with the provider grievance procedure prescribed in section
33 36-2932, subsection I, paragraph 1. If the director determines pursuant
34 to the grievance process that the person should have been determined
35 eligible pursuant to section 36-2933, the director may reimburse the
36 provider for the net cost of services provided pursuant to this article
37 after the cumulative time periods allowed pursuant to section 36-2934 and
38 this section.

39 I. In addition to those persons seeking services pursuant to this
40 article, the preadmission screening conducted pursuant to this section
41 shall be made available to all other persons applying for admission to a
42 nursing care institution. The cost of preadmission screenings conducted
43 by the administration pursuant to this subsection shall be borne by the
44 state. The administration shall provide nursing care institutions and the
45 general public on request with detailed information about the preadmission

1 screening program and booklets that describe in clear and simple language
2 the availability of services and benefits from the system. The booklet
3 shall:

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

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

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

13 J. In addition to the preadmission screening program established in
14 this section, the administration shall implement the preadmission
15 screening program as set forth in section 1919 of the social security
16 act. For persons applying for admission to a title XIX certified nursing
17 care institution, an initial level I preadmission screening shall be
18 conducted by the administration on all nursing care institution applicants
19 who are applying for eligibility pursuant to section 36-2933 and by the
20 nursing care institution on all other nursing care institution
21 applicants. The administration shall develop a uniform identification
22 screening instrument, which shall be used by the nursing care institution
23 and the administration in conducting the initial level I screens. If the
24 identification screen indicates the applicant may be mentally ill, the
25 applicant shall be referred to the administration, which shall conduct the
26 level II preadmission screening review using a level II screening
27 instrument developed by the administration. If the identification screen
28 indicates the applicant may have an intellectual disability, the applicant
29 shall be referred to the department, which shall conduct the level II
30 preadmission screening review using a level II screening instrument
31 developed by the department.

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