

NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

NOTICE OF RULEMAKING DOCKET OPENING ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS) ADMINISTRATION

Editor's Note: The following two Notices of Rulemaking Docket Opening were reviewed per Executive Order 2012-03 as issued by Governor Brewer. (See the text of the executive order on page 730.) The Governor's Office authorized the notices to proceed through the rulemaking process on May 4, 2011.

[R13-39]

- 1. Title and its heading:** 9, Health Services
Chapter and its heading: 22, Arizona Health Care Cost Containment System - Administration
Article and its heading: 1, Definitions
2, Scope of Services
7, Standards for Payments
12, Behavioral Health Services

Section numbers: R9-22-101, R9-22-201 through R9-22-207, R9-22-212, R9-22-215, R9-22-217, R9-22-702 through R9-22-703, R9-22-705, R9-22-712.09, R9-22-1205 (As part of this rulemaking, the Administration may add, delete, or modify Sections as necessary.)
- 2. The subject matter of the proposed rule:**
The Governor's Medicaid Reform Plan, announced on March 15, 2011, proposals to reduce non-federal expenditures for the AHCCCS program by approximately \$500 million during state fiscal year 2012. The AHCCCS Administration promulgated limitations to implement this reduction of expenditures.
Due to recent legislative direction within Laws 2012, Ch. 299, § 7 of the bill repealed the rulemaking authority and § 8 stipulated that rules adopted through the previous year's authority would expire December 31, 2013, without specific statutory authority.
After an evaluation of our overall statutory authority regarding covered services, rates and eligibility, AHCCCS has determined that it requires statutory changes to continue measures it enacted under the Ch. 299 authority that prohibits AHCCCS from continuing after December 31, 2013, any "program changes" made pursuant to § 34 of Senate Bill 1619.
At this time, the AHCCCS Administration is re-promulgating the same rule language. No changes were made.
- 3. A citation to all published notices relating to the proceeding:**
Notice of Exempt Rulemaking: 16 A.A.R. 1638, August 27, 2010
Notice of Proposed Exempt Rulemaking: 17 A.A.R. 1518, August 12, 2011
Notice of Public Information: 17 A.A.R. 1723, August 26, 2011
Notice of Exempt Rulemaking: 17 A.A.R. 1868, September 23, 2011
Notice of Proposed Exempt Rulemaking: 17 A.A.R. 1522, August 12, 2011
Notice of Exempt Rulemaking: 17 A.A.R. 1870, September 23, 2011
Notice of Proposed Exempt Rulemaking: 17 A.A.R. 1290, July 15, 2011
Notice of Exempt Rulemaking: 17 A.A.R. 1707, August 26, 2011
Notice of Proposed Exempt Rulemaking: 18 A.A.R. 1310, June 8, 2012
Notice of Exempt Rulemaking: 18 A.A.R. 1745, July 20, 2012
Notice of Proposed Rulemaking: 19 A.A.R. 676, April 12, 2013 (*in this issue*)
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Mariaelena Ugarte
Address: AHCCCS
Office of Administrative Legal Services
701 E. Jefferson, Mail Drop 6200
Phoenix, AZ 85034

Notices of Rulemaking Docket Opening

Telephone: (602) 417-4693
Fax: (602) 253-9115
E-mail: AHCCCSrules@azahcccs.gov

5. The time which the agency will accept written comments and the time and place where oral comments may be made:

The Administration will accept written comments Monday through Friday, 8 a.m. to 5 p.m., at the address indicated in question #4. Public hearings will be scheduled later to provide a forum for interactive discussion with interested parties. E-mail comments will be accepted.

6. A timetable for agency decisions or other action on the proceeding, if known:

The Notice of Proposed Rulemaking will be published along with this notification (see page 676 of this issue).

NOTICE OF RULEMAKING DOCKET OPENING

ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)

ARIZONA LONG-TERM CARE SYSTEM

[R13-37]

1. Title and its heading:

9, Health Services

Chapter and its heading:

28, Arizona Health Care Cost Containment System - Arizona Long-term Care System

Article and its heading:

2, Covered Services

Section numbers:

R9-28-204 and R9-28-205 (As part of this rulemaking, the Administration may add, delete, or modify Sections as necessary.)

2. The subject matter of the proposed rule:

The Governor's Medicaid Reform Plan, announced on March 15, 2011, proposals to reduce non-federal expenditures for the AHCCCS program by approximately \$500 million during state fiscal year 2012. The AHCCCS Administration promulgated limitations to implement this reduction of expenditures.

Due to recent legislative direction within Laws 2012, Ch. 299, § 7 of the bill repealed the rulemaking authority and § 8 stipulated that rules adopted through the previous year's authority would expire December 31, 2013, without specific statutory authority.

After an evaluation of our overall statutory authority regarding covered services, rates and eligibility, AHCCCS has determined that it requires statutory changes to continue measures it enacted under the Ch. 299 authority that prohibits AHCCCS from continuing after December 31, 2013, any "program changes" made pursuant to § 34 of Senate Bill 1619.

At this time, the AHCCCS Administration is re-promulgating the same rule language. No changes were made.

3. A citation to all published notices relating to the proceeding:

Notice of Proposed Exempt Rulemaking: 17 A.A.R. 1526, August 12, 2011
Notice of Exempt Rulemaking: 17 A.A.R. 1876, September 23, 2011
Notice of Proposed Rulemaking: 19 A.A.R. 697, April 12, 2013 (*in this issue*)

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

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Address: AHCCCS
Office of Administrative Legal Services
701 E. Jefferson, Mail Drop 6200
Phoenix, AZ 85034
Telephone: (602) 417-4693
Fax: (602) 253-9115
E-mail: AHCCCSrules@azahcccs.gov

5. The time which the agency will accept written comments and the time and place where oral comments may be made:

The Administration will accept written comments Monday through Friday, 8 a.m. to 5 p.m., at the address indicated in question #4. Public hearings will be scheduled later to provide a forum for interactive discussion with interested parties. E-mail comments will be accepted.

6. A timetable for agency decisions or other action on the proceeding, if known:

The Notice of Proposed Rulemaking will be published along with this notification (see page 697 of this issue).