

State of Arizona
Senate
Forty-fifth Legislature
Second Special Session
2001

CHAPTER 8

SENATE BILL 1007

AN ACT

AMENDING SECTION 36-2901.06 AND 36-2903.03, ARIZONA REVISED STATUTES;
AMENDING LAWS 2001, FIRST SPECIAL SESSION, CHAPTER 1, SECTION 9; MAKING A
TRANSFER OF MONIES; RELATING TO THE ARIZONA HEALTH CARE COST CONTAINMENT
SYSTEM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 36-2901.06, Arizona Revised Statutes, is amended
3 to read:

4 36-2901.06. Emergency services; noncitizens; qualified aliens

5 A. Beginning on October 1, 2001 and subject to the availability of
6 monies, a qualified alien or a noncitizen who is not eligible for emergency
7 services pursuant to title XIX of the social security act may apply to the
8 administration for coverage of an emergency service if necessary to treat an
9 emergency medical condition as defined in section 1903(v) of the social
10 security act if the person is a resident of this state and meets one of the
11 following requirements:

12 1. The person has a household adjusted gross income level of not more
13 than forty per cent of the federal poverty guidelines.

14 2. Meets the income and resource requirements of section 36-2901.04.

15 B. In addition to the income requirements prescribed in subsection A
16 of this section, a person must meet the eligibility and documentation
17 requirements prescribed by the administration for persons who are eligible
18 for services pursuant to section 36-2901.03 or 36-2901.04.

19 C. SUBJECT TO LEGISLATIVE APPROPRIATION, PERSONS WHO WERE DETERMINED
20 ELIGIBLE ON OR BEFORE NOVEMBER 1, 2001 PURSUANT TO THIS SECTION OR SECTION
21 36-2903.03 MAY CONTINUE TO RECEIVE TREATMENT IF IT IS MEDICALLY NECESSARY AND
22 THE SERVICE DOES NOT MEET THE FEDERAL DEFINITION OF AN EMERGENCY MEDICAL
23 CONDITION AS DEFINED IN SECTION 1903(v) OF THE SOCIAL SECURITY ACT. THESE
24 SERVICES SHALL BE PAID FOR WITH ONE HUNDRED PER CENT STATE FUNDS AND ARE
25 LIMITED TO THE FOLLOWING CONDITIONS:

26 1. TREATMENT FOR END STAGE RENAL DISEASE THAT REQUIRES ONGOING
27 DIALYSIS.

28 2. RADIATION AND CHEMOTHERAPY TO TREAT A DIAGNOSED CANCER THAT WAS
29 FOUND AS THE RESULT OF AN EMERGENCY CONDITION THAT WAS RELATED IN AN
30 INPATIENT HOSPITAL SETTING.

31 D. FOR THE PURPOSES OF THIS SECTION, TREATMENT DOES NOT INCLUDE
32 TRANSPLANTATION SERVICES.

33 E. THE ADMINISTRATION MAY PRIOR AUTHORIZE EMERGENCY SERVICES THAT ARE
34 PROVIDED PURSUANT TO SUBSECTION C OF THIS SECTION.

35 Sec. 2. Section 36-2903.03, Arizona Revised Statutes, is amended to
36 read:

37 36-2903.03. United States citizenship and qualified alien
38 requirements for eligibility; definition

39 A. A person who is applying for eligibility under this chapter shall
40 provide verification of United States citizenship or documented verification
41 of qualified alien status.

42 B. A qualified alien may apply for eligibility pursuant to section
43 36-2901, paragraph 6, subdivision (a) and, if otherwise eligible for title
44 XIX, may receive all services pursuant to section 36-2907 if the qualified
45 alien meets at least one of the following requirements:

1 1. Is designated as one of the exception groups under 8 United States
2 Code section 1613(b).

3 2. Has been a qualified alien for at least five years.

4 3. Has been continuously present in the United States since August 21,
5 1996.

6 C. Notwithstanding any other law, persons who were residing in the
7 United States under color of law on or before August 21, 1996, and who were
8 receiving services under this article based on eligibility criteria
9 established under the supplemental security income program, may apply for
10 state funded services and, if otherwise eligible for supplemental security
11 income-medical assistance only coverage except for United States citizenship
12 or qualified alien requirements, may be enrolled with the system and receive
13 all services pursuant to section 36-2907.

14 D. A person who is a qualified alien who does not meet the
15 requirements of subsection B of this section or who is a noncitizen who does
16 not claim and provide verification of qualified alien status may apply for
17 title XIX eligibility under section 36-2901, paragraph 6, subdivision (a)
18 and, if otherwise eligible for title XIX, may receive only emergency services
19 pursuant to section 1903(v) of the social security act OR STATE FUNDED
20 EMERGENCY SERVICES PURSUANT TO SECTION 36-2901.06.

21 E. In determining the eligibility for all qualified aliens pursuant
22 to this chapter, the income and resources of any person who executed an
23 affidavit of support pursuant to section 213A of the immigration and
24 nationality act on behalf of the qualified alien and the income and resources
25 of the spouse, if any, of the sponsoring individual shall be counted at the
26 time of application and for the redetermination of eligibility for the
27 duration of the attribution period as specified in federal law.

28 F. For purposes of this section, "qualified alien" means an individual
29 who is one of the following:

30 1. Defined as a qualified alien under 8 United States Code section
31 1641.

32 2. Defined as a qualified alien by the attorney general of the United
33 States under the authority of Public Law 104-208, section 501.

34 3. An Indian described in 8 United States Code section 1612 (b)(2)(e).

35 Sec. 3. Laws 2001, first special session, chapter 1, section 9 is
36 amended to read:

37 Sec. 9. Appropriations; purpose; exemption

38 A. The sum of \$12,222,400 is appropriated from the state general fund
39 in fiscal year 2001-2002 to the Arizona health care cost containment system
40 administration for the state emergency services program established pursuant
41 to section 36-2901.06, Arizona Revised Statutes.

1 B. The sum of \$20,000,000 is appropriated from the state general fund
2 in fiscal year 2002-2003 to the Arizona health care cost containment system
3 administration for the state emergency services program established pursuant
4 to section 36-2901.06, Arizona Revised Statutes.

5 C. The sum of \$7,777,600 is appropriated from the medical services
6 stabilization fund established by section 36-2922, Arizona Revised Statutes,
7 in fiscal year 2001-2002 to the Arizona health care cost containment system
8 administration for emergency services provided pursuant to this act.

9 D. NOTWITHSTANDING SECTION 36-774, ARIZONA REVISED STATUTES, THE SUM
10 OF \$2,822,700 IS TRANSFERRED FROM THE HEALTH EDUCATION ACCOUNT OF THE TOBACCO
11 TAX AND HEALTH CARE FUND TO THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM
12 ADMINISTRATION IN FISCAL YEAR 2001-2002 TO PAY FOR PERSONS ELIGIBLE FOR
13 SERVICES PURSUANT TO SECTION 36-2901.06, SUBSECTION C, ARIZONA REVISED
14 STATUTES.

15 ~~D.~~ E. The Arizona health care cost containment system administration
16 may use appropriations made pursuant to this section to pay approved claims
17 for emergency services provided to persons who are eligible pursuant to
18 section 11-297, 36-2903.03 or 36-2905, Arizona Revised Statutes, before
19 October 1, 2001.

20 ~~E.~~ F. The appropriations made pursuant to subsections A and C of this
21 section are exempt from the provisions of section 35-190, Arizona Revised
22 Statutes, relating to lapsing of appropriations, except that all monies
23 remaining unencumbered or unexpended on June 30, 2003 revert to the state
24 general fund.

25 ~~F.~~ G. The appropriations made pursuant to subsection B of this
26 section is exempt from the provisions of section 35-190, Arizona Revised
27 Statutes, relating to lapsing of appropriations, except that all monies
28 remaining unencumbered or unexpended on June 30, 2004 revert to the state
29 general fund.

30 Sec. 4. Reporting requirement

31 In order for the legislature to create a balanced budget in fiscal year
32 2002-2003, the Arizona health care cost containment system administration
33 shall submit a report on the expenditure of the appropriations made in this
34 act to the governor, the president of the senate and the speaker of the house
35 of representatives on or before February 15, 2002.

36 Sec. 5. Retroactivity

37 This act is effective retroactively to from and after November 1, 2001.

38 Sec. 6. Emergency

39 This act is an emergency measure that is necessary to preserve the
40 public health or safety and is operative immediately as provided by
41 law.

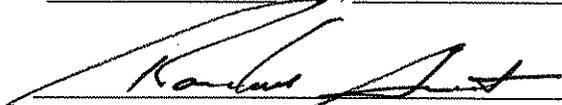
EMERGENCY
NOT ENACTED
THIS BILL HAS BECOME LAW WITHOUT THE SIGNATURE OF THE GOVERNOR
THIS 21ST DAY OF DECEMBER, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE DECEMBER 21, 2001.

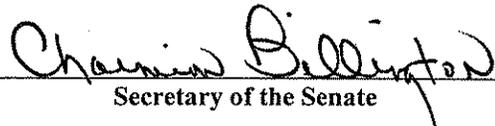
SENATE CONCURS IN HOUSE AMENDMENTS
AND FINAL PASSAGE
Passed the Senate December 19, 2001.

by the following vote: 18 Ayes,

11 Nays, 1 Not Voting



President of the Senate



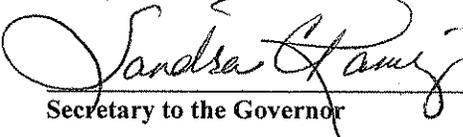
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

20 day of December, 2001,

at 8:26 o'clock A M.



Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

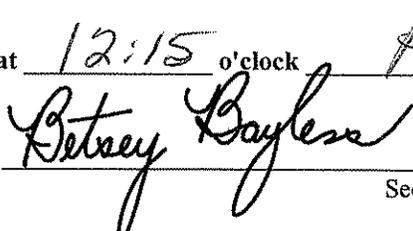
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 21 day of Dec., 2001,

at 12:15 o'clock P M.



Secretary of State

SECOND SPECIAL SESSION
S.B. 1007