Senate Engrossed

FILED
MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
Senate
Fifty-second Legislature
First Regular Session
2015

CHAPTER 7

SENATE BILL 1092

AN ACT

AMENDING TITLE 36, CHAPTER 29, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-2903.09; RELATING TO THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Title 36, chapter 29, article 1, Arizona Revised Statutes, is amended by adding section 36-2903.09, to read:

36-2903.09. Waivers; annual submittal; definitions

A. ON OR BEFORE MARCH 30 OF EACH YEAR, THE DIRECTOR SHALL APPLY TO THE CENTERS FOR MEDICARE AND MEDICAID SERVICES FOR WAIVERS OR AMENDMENTS TO THE CURRENT SECTION 1115 WAIVER TO ALLOW THIS STATE TO:

1. INSTITUTE A WORK REQUIREMENT FOR ALL ABLE-BODIED ADULTS RECEIVING SERVICES PURSUANT TO THIS ARTICLE. THE WORK REQUIREMENT SHALL:

(a) REQUIRE AN ELIGIBLE PERSON TO EITHER:

(i) BECOME EMPLOYED.

(ii) ACTIVELY SEEK EMPLOYMENT, WHICH WOULD BE VERIFIED BY THE DEPARTMENT.

(iii) ATTEND SCHOOL OR A JOB TRAINING PROGRAM, OR BOTH, AT LEAST TWENTY HOURS PER WEEK.

(b) REQUIRE AN ELIGIBLE PERSON TO VERIFY ON A MONTHLY BASIS COMPLIANCE WITH REQUIREMENTS OF SUBDIVISION (a) OF THIS PARAGRAPH AND ANY CHANGE IN FAMILY INCOME.

(c) REQUIRE THE ADMINISTRATION TO CONFIRM AN ELIGIBLE PERSON'S CHANGE IN FAMILY INCOME AS REPORTED UNDER SUBDIVISION (b) OF THIS PARAGRAPH AND REDETERMINE THE PERSON'S ELIGIBILITY UNDER THIS ARTICLE.

(d) ALLOW THE ADMINISTRATION TO BAN AN ELIGIBLE PERSON FROM ENROLLMENT FOR ONE YEAR IF THE ELIGIBLE PERSON KNOWINGLY FAILED TO REPORT A CHANGE IN FAMILY INCOME OR MADE A FALSE STATEMENT REGARDING COMPLIANCE WITH THE REQUIREMENTS OF SUBDIVISION (a) OF THIS PARAGRAPH.

(e) ALLOW FOR AN EXEMPTION IF A PERSON MEETS ANY OF THE FOLLOWING CONDITIONS:

(i) IS AT LEAST NINETEEN YEARS OF AGE BUT IS STILL ATTENDING HIGH SCHOOL AS A FULL-TIME STUDENT.

(ii) IS THE SOLE CAREGIVER OF A FAMILY MEMBER WHO IS UNDER SIX YEARS OF AGE.

(iii) IS CURRENTLY RECEIVING TEMPORARY OR PERMANENT LONG-TERM DISABILITY BENEFITS FROM A PRIVATE INSURER OR FROM THE GOVERNMENT.

(iv) HAS BEEN DETERMINED TO BE PHYSICALLY OR MENTALLY UNFIT FOR EMPLOYMENT BY A HEALTH CARE PROFESSIONAL IN ACCORDANCE WITH RULES ADOPTED BY THE ADMINISTRATION.

2. PLACE ON ABLE-BODIED ADULTS A LIFETIME LIMIT OF FIVE YEARS OF BENEFITS UNDER THIS ARTICLE THAT BEGINS ON THE EFFECTIVE DATE OF THE WAIVER OR AMENDMENT TO THE CURRENT SECTION 1115 WAIVER AND DOES NOT INCLUDE ANY PREVIOUS TIME A PERSON RECEIVED BENEFITS UNDER THIS ARTICLE. THE LIFETIME LIMIT UNDER THIS PARAGRAPH DOES NOT INCLUDE ANY TIME DURING WHICH THE PERSON MEETS ANY OF THE FOLLOWING CONDITIONS:

(a) IS PREGNANT.

(b) IS THE SOLE CAREGIVER OF A FAMILY MEMBER WHO IS UNDER SIX YEARS OF AGE.

Passed the House February 26, 2015,

by the following vote: 35 Ayes,

24 Nays, 1 Not Voting

Speaker of the House

Chief Clerk of the House

Passed the Senate February 23, 2015,

by the following vote: 17 Ayes,

12 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

_____ day of _____, 20____,

at _____ o'clock _____ 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 _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

S.B. 1092

(c) IS CURRENTLY RECEIVING TEMPORARY OR PERMANENT LONG-TERM DISABILITY BENEFITS FROM A PRIVATE INSURER OR FROM THE GOVERNMENT.

(d) IS AT LEAST NINETEEN YEARS OF AGE BUT IS STILL ATTENDING HIGH SCHOOL AS A FULL-TIME STUDENT.

(e) IS EMPLOYED FULL TIME BUT CONTINUES TO MEET THE INCOME ELIGIBILITY REQUIREMENTS UNDER THIS ARTICLE.

(f) IS ENROLLED BEFORE REACHING NINETEEN YEARS OF AGE.

(g) IS AN ELIGIBLE PERSON AS DEFINED IN SECTION 36-2901, PARAGRAPH 6, SUBDIVISION (a), ITEM (iii).

3. DEVELOP AND IMPOSE MEANINGFUL COST-SHARING REQUIREMENTS TO DETER BOTH:

(a) THE NONEMERGENCY USE OF EMERGENCY DEPARTMENTS.

(b) THE USE OF AMBULANCE SERVICES FOR NONEMERGENCY TRANSPORTATION OR WHEN IT IS NOT MEDICALLY NECESSARY.

B. IN ANY YEAR, THE DIRECTOR SHALL APPLY UNDER SUBSECTION A OF THIS SECTION FOR ONLY THE WAIVERS OR AMENDMENTS TO THE CURRENT SECTION 1115 WAIVER THAT HAVE NOT BEEN APPROVED AND ARE NOT IN EFFECT.

C. ON OR BEFORE APRIL 1 OF EACH YEAR, THE DIRECTOR SHALL SUBMIT A LETTER CONFIRMING THE SUBMISSION OF THE WAIVER REQUESTS REQUIRED UNDER SUBSECTION A OF THIS SECTION TO THE GOVERNOR, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

D. FOR THE PURPOSES OF THIS SECTION:

1. "ABLE-BODIED" MEANS AN INDIVIDUAL WHO IS PHYSICALLY AND MENTALLY CAPABLE OF WORKING.

2. "ADULT" MEANS AN INDIVIDUAL WHO IS AT LEAST NINETEEN YEARS OF AGE.

Sec. 2. Rulemaking; exemption

For the purposes of implementing this act, the Arizona health care cost containment system administration is exempt from the rulemaking requirements of title 41, chapter 6, Arizona Revised Statutes, for one year after the effective date of this act.

APPROVED BY THE GOVERNOR MARCH 6, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 6, 2015.

Passed the House February 26, 20 15

by the following vote: 34 Ayes,

23 Nays, 3 Not Voting

Speaker of the House

☐ Pro Tempore

Jim Drake

Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

3rd day of March, 20 15

at 2:56 o'clock P M.

Secretary to the Governor

Approved this 6th day of

March

at 8:52 o'clock A M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 6th day of March, 20 15

at 11:13 o'clock A. M.

Michele Reagan

Secretary of State

ON RECONSIDERATION
S.B. 1092