

House Engrossed

ALTCS; preadmission screening

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HOUSE BILL 2088

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 medical condition or
12 have a developmental disability as defined in section 36-551 that, by
13 itself or in combination with other medical conditions, necessitates the
14 level of care that is provided in a nursing facility or intermediate care
15 facility. These rules shall establish a uniform preadmission screening
16 instrument that assesses the functional, medical, nursing, social and
17 developmental needs of the applicant.

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

23 C. PREADMISSION SCREENING CONDUCTED PURSUANT TO SUBSECTION B OF
24 THIS SECTION SHALL BE CONDUCTED TELEPHONICALLY OR VIRTUALLY, UNLESS THE
25 ADMINISTRATION DETERMINES IT IS NECESSARY TO CONDUCT THE ASSESSMENT IN
26 PERSON OR THE APPLICANT BEING SCREENED OR THE APPLICANT'S REPRESENTATIVE
27 REQUESTS AN IN-PERSON ASSESSMENT. THE ADMINISTRATION SHALL PROVIDE NOTICE
28 TO APPLICANTS THAT THE PURPOSE OF PREADMISSION SCREENING IS TO CONDUCT A
29 MEANINGFUL REVIEW OF AN APPLICANT'S MEDICAL NEEDS, FUNCTIONAL CAPACITY,
30 SOCIAL AND DEVELOPMENTAL NEEDS AND EMOTIONAL AND COGNITIVE BEHAVIORS. THE
31 NOTICE SHALL INFORM APPLICANTS THAT THE APPLICANT OR THE APPLICANT'S
32 REPRESENTATIVE MAY REQUEST AN IN-PERSON ASSESSMENT AND MAY REQUEST
33 ACCOMMODATIONS IN THE PREADMISSION SCREENING PROCESS UNDER THE AMERICANS
34 WITH DISABILITIES ACT OF 1990.

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

1 use the established combined thresholds for functional ability and medical
2 condition as a guide to determine the risk of institutionalization.

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

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

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

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

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

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

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

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

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

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

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