

REFERENCE TITLE: ALTCS; preadmission screening

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

## **HB 2088**

Introduced by  
Representative Osborne

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, UNLESS THE ADMINISTRATION  
25 DETERMINES IT IS NECESSARY TO CONDUCT THE ASSESSMENT IN PERSON.

26 ~~C~~ D. Preadmission screening conducted pursuant to subsection B of  
27 this section shall be conducted by a registered nurse WHO IS licensed  
28 pursuant to title 32, chapter 15 or BY a social worker. The nurse or  
29 social worker shall have a physician WHO IS licensed pursuant to title 32,  
30 chapter 13 or 17 available for consultation and may use the applicant's  
31 attending physician's physical assessment form, if appropriate, in  
32 assessing needs for long-term care services under this article. A  
33 physician who receives a referral from the nurse or social worker may use  
34 the physician's medical judgment to determine the medical eligibility of  
35 an applicant for the system or the continued medical eligibility of a  
36 member or eligible person. In the medical referral, the physician shall  
37 use the established combined thresholds for functional ability and medical  
38 condition as a guide to determine the risk of institutionalization.

39 ~~D~~ E. If a person who is eligible for services pursuant to this  
40 article, who is enrolled with a program contractor pursuant to this  
41 article and who is enrolled with a program contractor pursuant to section  
42 36-2940 fails the preadmission screening for institutional services  
43 pursuant to subsection A of this section at the time of a reassessment,  
44 the administration may administer a second preadmission screening designed  
45 to measure the functioning level of the person based on rules adopted by

1 the director. If the person meets the established thresholds of the  
2 functional preadmission screening, the person is eligible for home and  
3 community based services pursuant to section 36-2939, subsection A,  
4 paragraphs 2, 3 and 4, subsection B, paragraph 2 and subsection C. If a  
5 person who is determined eligible pursuant to this subsection is  
6 institutionalized pursuant to section 36-2939, including residence in an  
7 intermediate care facility, institution for mental disease, inpatient  
8 psychiatric facility or nursing facility, the person has a maximum of  
9 ninety days to vacate the institutional setting and relocate to a home and  
10 community based setting approved pursuant to section 36-2939.

11 ~~F.~~ F. If the person is determined not to need services pursuant to  
12 this section, the administration shall provide the person with information  
13 on other available community services.

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

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

29 ~~H.~~ I. In addition to those persons seeking services pursuant to  
30 this article, the preadmission screening conducted pursuant to this  
31 section shall be made available to all other persons applying for  
32 admission to a nursing care institution. The cost of preadmission  
33 screenings conducted by the administration pursuant to this subsection  
34 shall be borne by the state. The administration shall provide nursing  
35 care institutions and the general public on request with detailed  
36 information about the preadmission screening program and booklets that  
37 describe in clear and simple language the availability of services and  
38 benefits from the system. The booklet shall:

39 1. Explain the availability of preadmission screening that will  
40 assess the functional, medical, nursing and social needs of the patient  
41 and make recommendations on services that meet the patient's needs as  
42 identified by the preadmission screening assessment.

43 2. Describe the availability of public and private services  
44 appropriate to meet the patient's needs in institutions and alternatives  
45 to institutions.

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

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

22           ~~J.~~ K. Within ten working days a nursing care institution shall  
23 notify the ~~department of health services~~ ADMINISTRATION for a person who  
24 is mentally ill or the department of economic security for a person with  
25 developmental disabilities and the department of child safety if the  
26 person is a minor dependent of this state about any significant change  
27 that occurs in the physical or mental condition of a member who is  
28 residing in the nursing care institution. The ~~department of health~~  
29 ~~services~~ ADMINISTRATION or the department of economic security shall  
30 conduct a subsequent level II screening review of the member within the  
31 time frame required by the administration after the notification by the  
32 nursing care institution.