

REFERENCE TITLE: AHCCCS; eligibility; immigration status

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
First Regular Session  
2023

## **HB 2246**

Introduced by  
Representatives De Los Santos: Aguilar, Gutierrez, Mathis, Ortiz,  
Sandoval, Stahl Hamilton

### **AN ACT**

AMENDING SECTION 36-2901, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2015, CHAPTER 195, SECTION 56; AMENDING SECTION 36-2901, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2022, CHAPTER 314, SECTION 2; REPEALING SECTION 36-2903.03, ARIZONA REVISED STATUTES; 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, Arizona Revised Statutes, as amended by  
3 Laws 2015, chapter 195, section 56, is amended to read:

4 36-2901. Definitions

5 In this article, unless the context otherwise requires:

6 1. "Administration" means the Arizona health care cost containment  
7 system administration.

8 2. "Administrator" means the administrator of the Arizona health  
9 care cost containment system.

10 3. "Contractor" means a person or entity that has a prepaid  
11 capitated contract with the administration pursuant to section 36-2904 or  
12 chapter 34 of this title to provide health care to members under this  
13 article or persons under chapter 34 of this title either directly or  
14 through subcontracts with providers.

15 4. "Department" means the department of economic security.

16 5. "Director" means the director of the Arizona health care cost  
17 containment system administration.

18 6. "Eligible person" means any person who is:

19 (a) Any of the following:

20 (i) Defined as mandatorily or optionally eligible pursuant to title  
21 XIX of the social security act as authorized by the state plan.

22 (ii) Defined in title XIX of the social security act as an eligible  
23 pregnant woman with a family income that does not exceed one hundred fifty  
24 percent of the federal poverty guidelines, as a child under the age of six  
25 years and whose family income does not exceed one hundred thirty-three  
26 percent of the federal poverty guidelines or as children who have not  
27 attained nineteen years of age and whose family income does not exceed one  
28 hundred thirty-three percent of the federal poverty guidelines.

29 (iii) Under twenty-six years of age and who was in the custody of  
30 the department of child safety pursuant to title 8, chapter 4 when the  
31 person became eighteen years of age.

32 (iv) Defined as eligible pursuant to section 36-2901.01.

33 (v) Defined as eligible pursuant to section 36-2901.04.

34 (vi) Defined as eligible pursuant to section 36-2901.07.

35 (vii) OTHERWISE ELIGIBLE PURSUANT TO THIS ARTICLE BUT FOR THE  
36 PERSON'S IMMIGRATION STATUS.

37 (b) A full-time officer or employee of this state or of a city,  
38 town or school district of this state or other person who is eligible for  
39 hospitalization and medical care under title 38, chapter 4, article 4.

40 (c) A full-time officer or employee of any county in this state or  
41 other persons authorized by the county to participate in county medical  
42 care and hospitalization programs if the county in which such officer or  
43 employee is employed has authorized participation in the system by  
44 resolution of the county board of supervisors.

45 (d) An employee of a business within this state.

- 1 (e) A dependent of an officer or employee who is participating in  
2 the system.
- 3 (f) Not enrolled in the Arizona long-term care system pursuant to  
4 article 2 of this chapter.
- 5 (g) Defined as eligible pursuant to section 1902(a)(10)(A)(ii)(XV)  
6 and (XVI) of title XIX of the social security act and who meets the income  
7 requirements of section 36-2929.
- 8 7. "Graduate medical education" means a program, including an  
9 approved fellowship, that prepares a physician for the independent  
10 practice of medicine by providing didactic and clinical education in a  
11 medical discipline to a medical student who has completed a recognized  
12 undergraduate medical education program.
- 13 8. "Malice" means evil intent and outrageous, oppressive or  
14 intolerable conduct that creates a substantial risk of tremendous harm to  
15 others.
- 16 9. "Member" means an eligible person who enrolls in the system.
- 17 10. "Modified adjusted gross income" has the same meaning  
18 prescribed in 42 United States Code section 1396a(e)(14).
- 19 11. "Noncontracting provider" means a person who provides health  
20 care to members pursuant to this article but not pursuant to a subcontract  
21 with a contractor.
- 22 12. "Physician" means a person licensed pursuant to title 32,  
23 chapter 13 or 17.
- 24 13. "Prepaid capitated" means a mode of payment by which a health  
25 care contractor directly delivers health care services for the duration of  
26 a contract to a maximum specified number of members based on a fixed rate  
27 per member notwithstanding:
- 28 (a) The actual number of members who receive care from the  
29 contractor.
- 30 (b) The amount of health care services provided to any member.
- 31 14. "Primary care physician" means a physician who is a family  
32 practitioner, general practitioner, pediatrician, general internist, or  
33 obstetrician or gynecologist.
- 34 15. "Primary care practitioner" means a nurse practitioner  
35 certified pursuant to title 32, chapter 15 or a physician assistant  
36 ~~certified~~ LICENSED pursuant to title 32, chapter 25. This paragraph does  
37 not expand the scope of practice for nurse practitioners as defined  
38 pursuant to title 32, chapter 15, or for physician assistants as defined  
39 pursuant to title 32, chapter 25.
- 40 16. "Regional behavioral health authority" has the same meaning  
41 prescribed in section 36-3401.
- 42 17. "Section 1115 waiver" means the research and demonstration  
43 waiver granted by the United States department of health and human  
44 services.

1 18. "Special health care district" means a special health care  
2 district organized pursuant to title 48, chapter 31.

3 19. "State plan" has the same meaning prescribed in section  
4 36-2931.

5 20. "System" means the Arizona health care cost containment system  
6 established by this article.

7 Sec. 2. Section 36-2901, Arizona Revised Statutes, as amended by  
8 Laws 2022, chapter 314, section 2, is amended to read:

9 36-2901. Definitions

10 In this article, unless the context otherwise requires:

11 1. "Administration" means the Arizona health care cost containment  
12 system administration.

13 2. "Administrator" means the administrator of the Arizona health  
14 care cost containment system.

15 3. "Contractor" means a person or entity that has a prepaid  
16 capitated contract with the administration pursuant to section 36-2904 or  
17 chapter 34 of this title to provide health care to members under this  
18 article or persons under chapter 34 of this title either directly or  
19 through subcontracts with providers.

20 4. "Department" means the department of economic security.

21 5. "Director" means the director of the Arizona health care cost  
22 containment system administration.

23 6. "Eligible person" means any person who is:

24 (a) Any of the following:

25 (i) Defined as mandatorily or optionally eligible pursuant to title  
26 XIX of the social security act as authorized by the state plan.

27 (ii) Defined in title XIX of the social security act as an eligible  
28 pregnant woman or a woman who is less than one year postpartum with a  
29 family income that does not exceed one hundred fifty percent of the  
30 federal poverty guidelines, as a child under the age of six years and  
31 whose family income does not exceed one hundred thirty-three percent of  
32 the federal poverty guidelines or as children who have not attained  
33 nineteen years of age and whose family income does not exceed one hundred  
34 thirty-three percent of the federal poverty guidelines.

35 (iii) Under twenty-six years of age and who was in the custody of  
36 the department of child safety pursuant to title 8, chapter 4 when the  
37 person became eighteen years of age.

38 (iv) Defined as eligible pursuant to section 36-2901.01.

39 (v) Defined as eligible pursuant to section 36-2901.04.

40 (vi) Defined as eligible pursuant to section 36-2901.07.

41 (vii) OTHERWISE ELIGIBLE PURSUANT TO THIS ARTICLE BUT FOR THE  
42 PERSON'S IMMIGRATION STATUS.

43 (b) A full-time officer or employee of this state or of a city,  
44 town or school district of this state or other person who is eligible for  
45 hospitalization and medical care under title 38, chapter 4, article 4.

1 (c) A full-time officer or employee of any county in this state or  
2 other persons authorized by the county to participate in county medical  
3 care and hospitalization programs if the county in which such officer or  
4 employee is employed has authorized participation in the system by  
5 resolution of the county board of supervisors.

6 (d) An employee of a business within this state.

7 (e) A dependent of an officer or employee who is participating in  
8 the system.

9 (f) Not enrolled in the Arizona long-term care system pursuant to  
10 article 2 of this chapter.

11 (g) Defined as eligible pursuant to section 1902(a)(10)(A)(ii)(XV)  
12 and (XVI) of title XIX of the social security act and who meets the income  
13 requirements of section 36-2929.

14 7. "Graduate medical education" means a program, including an  
15 approved fellowship, that prepares a physician for the independent  
16 practice of medicine by providing didactic and clinical education in a  
17 medical discipline to a medical student who has completed a recognized  
18 undergraduate medical education program.

19 8. "Malice" means evil intent and outrageous, oppressive or  
20 intolerable conduct that creates a substantial risk of tremendous harm to  
21 others.

22 9. "Member" means an eligible person who enrolls in the system.

23 10. "Modified adjusted gross income" has the same meaning  
24 prescribed in 42 United States Code section 1396a(e)(14).

25 11. "Noncontracting provider" means a person who provides health  
26 care to members pursuant to this article but not pursuant to a subcontract  
27 with a contractor.

28 12. "Physician" means a person who is licensed pursuant to title  
29 32, chapter 13 or 17.

30 13. "Prepaid capitated" means a mode of payment by which a health  
31 care contractor directly delivers health care services for the duration of  
32 a contract to a maximum specified number of members based on a fixed rate  
33 per member notwithstanding:

34 (a) The actual number of members who receive care from the  
35 contractor.

36 (b) The amount of health care services provided to any member.

37 14. "Primary care physician" means a physician who is a family  
38 practitioner, general practitioner, pediatrician, general internist, or  
39 obstetrician or gynecologist.

40 15. "Primary care practitioner" means a nurse practitioner or  
41 certified nurse midwife who is certified pursuant to title 32, chapter 15  
42 or a physician assistant who is licensed pursuant to title 32, chapter  
43 25. This paragraph does not expand the scope of practice for nurse  
44 practitioners or certified nurse midwives as defined pursuant to title 32,

1 chapter 15 or for physician assistants as defined pursuant to title 32,  
2 chapter 25.

3 16. "Regional behavioral health authority" has the same meaning  
4 prescribed in section 36-3401.

5 17. "Section 1115 waiver" means the research and demonstration  
6 waiver granted by the United States department of health and human  
7 services.

8 18. "Special health care district" means a special health care  
9 district organized pursuant to title 48, chapter 31.

10 19. "State plan" has the same meaning prescribed in section  
11 36-2931.

12 20. "System" means the Arizona health care cost containment system  
13 established by this article.

14 Sec. 3. Repeal

15 Section 36-2903.03, Arizona Revised Statutes, is repealed.

16 Sec. 4. Conforming legislation

17 The legislative council staff shall prepare proposed legislation  
18 conforming the Arizona Revised Statutes to the provisions of this act for  
19 consideration in the fifty-sixth legislature, second regular session.

20 Sec. 5. Conditional enactment

21 Section 36-2901, Arizona Revised Statutes, as amended by Laws 2022,  
22 chapter 314, section 2 and this act, becomes effective only on the  
23 occurrence of the condition prescribed by Laws 2022, chapter 314, section  
24 27.