

Senate Engrossed

AHCCCS; naturopathic physicians

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SENATE BILL 1158

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

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

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

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

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

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

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

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

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

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

17 11. "Noncontracting provider" means a person who provides health
18 care to members pursuant to this article but not pursuant to a subcontract
19 with a contractor.

20 12. "Physician" means a person WHO IS licensed pursuant to title 32,
21 chapter 13, 14 or 17.

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

26 (a) The actual number of members who receive care from the
27 contractor.

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

29 14. "Primary care physician" means a physician who is a family
30 practitioner, general practitioner, pediatrician, general internist, or
31 obstetrician or gynecologist.

32 15. "Primary care practitioner" means a nurse practitioner WHO IS
33 certified pursuant to title 32, chapter 15 or a physician assistant
34 ~~certified~~ WHO IS LICENSED pursuant to title 32, chapter 25. This
35 paragraph does not expand the scope of practice for nurse practitioners as
36 defined pursuant to title 32, chapter 15, or for physician assistants as
37 defined pursuant to title 32, chapter 25.

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

40 17. "Section 1115 waiver" means the research and demonstration
41 waiver granted by the United States department of health and human
42 services.

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

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

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

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

5 36-2901. Definitions

6 In this article, unless the context otherwise requires:

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

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

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

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

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

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

20 (a) Any of the following:

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

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

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

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

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

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

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 who is licensed pursuant to title
23 32, chapter 13, 14 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 or
35 certified nurse midwife who is certified pursuant to title 32, chapter 15
36 or a physician assistant who is licensed pursuant to title 32, chapter
37 25. This paragraph does not expand the scope of practice for nurse
38 practitioners or certified nurse midwives as defined pursuant to title 32,
39 chapter 15 or for physician assistants as defined pursuant to title 32,
40 chapter 25.

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

43 17. "Section 1115 waiver" means the research and demonstration
44 waiver granted by the United States department of health and human
45 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. 3. Conditional enactment; notice

8 A. Section 36-1901, Arizona Revised Statutes, as amended by Laws
9 2015, chapter 195, section 56 and this act, and section 36-2901, Arizona
10 Revised Statutes, as amended by Laws 2022, chapter 314, section 2 and this
11 act:

12 1. Do not become effective unless on or before October 1, 2026 the
13 centers for medicare and medicaid services approve doctors of naturopathic
14 medicine as service providers.

15 2. Becomes effective from and after September 30 of the year
16 following the approval.

17 B. The Arizona health care cost containment system administration
18 shall notify the director of the Arizona legislative council in writing on
19 or before November 1, 2026 either:

20 1. Of the date of the approval by the centers for medicare and
21 medicaid services.

22 2. That the centers for medicare and medicaid services did not
23 approve the administration's request.

24 Sec. 4. Conditional enactment

25 Section 36-2901, Arizona Revised Statutes, as amended by Laws 2022,
26 chapter 314, section 2 and this act, becomes effective only on the
27 occurrence of the condition prescribed by Laws 2022, chapter 314, section
28 27.