



1 C. THE DIRECTOR MAY ESTABLISH MODIFICATIONS OR EXEMPTIONS TO THE  
2 ASSESSMENT. IN DETERMINING THE MODIFICATIONS OR EXEMPTIONS, THE DIRECTOR MAY  
3 CONSIDER FACTORS INCLUDING THE SIZE OF THE HOSPITAL, THE SPECIALTY SERVICES  
4 AVAILABLE TO PATIENTS AND THE GEOGRAPHIC LOCATION OF THE HOSPITAL.

5 D. BEFORE IMPLEMENTING THE ASSESSMENT, AND THEREAFTER IF THE  
6 METHODOLOGY IS MODIFIED, THE DIRECTOR SHALL PRESENT THE METHODOLOGY TO THE  
7 JOINT LEGISLATIVE BUDGET COMMITTEE FOR REVIEW.

8 E. THE ADMINISTRATION SHALL NOT COLLECT AN ASSESSMENT FOR COSTS  
9 ASSOCIATED WITH SERVICE AFTER THE EFFECTIVE DATE OF ANY REDUCTION OF THE  
10 FEDERAL MEDICAL ASSISTANCE PERCENTAGE ESTABLISHED BY 42 UNITED STATES CODE  
11 SECTION 1396d(y) OR 1396d(z) THAT IS APPLICABLE TO THIS STATE TO LESS THAN  
12 EIGHTY PER CENT.

13 F. THE ADMINISTRATION SHALL DEPOSIT THE REVENUES COLLECTED PURSUANT TO  
14 THIS SECTION IN THE HOSPITAL ASSESSMENT FUND ESTABLISHED BY SECTION  
15 36-2901.09.

16 G. A HOSPITAL SHALL NOT PASS THE COST OF THE ASSESSMENT ON TO PATIENTS  
17 OR THIRD-PARTY PAYORS THAT ARE LIABLE TO PAY FOR CARE ON A PATIENT'S BEHALF.  
18 AS PART OF ITS FINANCIAL STATEMENT SUBMISSIONS PURSUANT TO SECTION 36-125.04,  
19 A HOSPITAL SHALL SUBMIT TO THE DEPARTMENT OF HEALTH SERVICES AN ATTESTATION  
20 THAT IT HAS NOT PASSED ON THE COST OF THE ASSESSMENT TO PATIENTS OR  
21 THIRD-PARTY PAYORS.

22 H. IF A HOSPITAL DOES NOT COMPLY WITH THIS SECTION AS PRESCRIBED BY  
23 THE DIRECTOR, THE DIRECTOR MAY SUSPEND OR REVOKE THE HOSPITAL'S ARIZONA  
24 HEALTH CARE COST CONTAINMENT SYSTEM PROVIDER AGREEMENT REGISTRATION. IF THE  
25 HOSPITAL DOES NOT COMPLY WITHIN ONE HUNDRED EIGHTY DAYS AFTER THE DIRECTOR  
26 SUSPENDS OR REVOKES THE HOSPITAL'S PROVIDER AGREEMENT, THE DIRECTOR SHALL  
27 NOTIFY THE DIRECTOR OF THE DEPARTMENT OF HEALTH SERVICES, WHO SHALL SUSPEND  
28 OR REVOKE THE HOSPITAL'S LICENSE PURSUANT TO SECTION 36-427.

29 36-2901.09. Hospital assessment fund

30 A. THE HOSPITAL ASSESSMENT FUND IS ESTABLISHED CONSISTING OF MONIES  
31 COLLECTED PURSUANT TO SECTION 36-2901.08. THE DIRECTOR SHALL ADMINISTER THE  
32 FUND.

33 B. THE DIRECTOR SHALL USE FUND MONIES ONLY AS NECESSARY TO SUPPLEMENT  
34 MONIES IN THE PROPOSITION 204 PROTECTION ACCOUNT ESTABLISHED BY SECTION  
35 36-778 AND THE ARIZONA TOBACCO LITIGATION SETTLEMENT FUND ESTABLISHED BY  
36 SECTION 36-2901.02.

37 C. MONIES IN THE FUND:

38 1. DO NOT REVERT TO THE STATE GENERAL FUND.

39 2. ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190 RELATING TO  
40 LAPSING OF APPROPRIATIONS.

41 3. ARE CONTINUOUSLY APPROPRIATED.

