

**NOTICE OF PROPOSED RULEMAKING  
TITLE 9. HEALTH SERVICES**

**CHAPTER 28. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM  
ARIZONA LONG-TERM CARE SYSTEM**

**PREAMBLE**

**1. Article, Part, or Section Affected (as applicable) Rulemaking Action:**

R9-28-203

New Section

**2. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**

Authorizing statute: A.R.S. §§ 36-2932, 36-2939

Implementing statute: A.R.S. § 36-261

**3. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**

Notice of Proposed Exempt Rulemaking: 18 A.A.R. 1712, July 20, 2012

Notice of Exempt Rulemaking: 18 A.A.R. 2074, August 24, 2012

**4. The agency’s contact person who can answer questions about the rulemaking:**

Name: Mariaelena Ugarte

Address: 701 E. Jefferson St.

Telephone: (602) 417-4693

Fax: (602) 253-9115

E-mail: AHCCCSrules@azahcccs.gov

Web site: www.azahcccs.gov

**5. An agency’s justification and reason why a rule should be made, amended, repealed, or renumbered to include an explanation about the rulemaking:**

The CRS program was administered by the Arizona Department of Health Services (ADHS) until SB1619 Arizona Laws 2011 Regular Session was enacted directing the Administration to administer the CRS program.

SB1619 specified that the existing CRS program rules adopted by ADHS were left in effect "until superseded by rules adopted by [AHCCCS]." The Legislature enacted this change as part of a larger initiative by ADHS and AHCCCS to better integrate conditions provided to medically eligible with CRS related conditions while at the same time streamlining the administration of the program. Therefore, AHCCCS finalized rules to transition the ADHS requirements under AHCCCS as published in the Arizona Administrative Register August 24, 2012 and Arizona Laws 2011, Regular Session, Ch. 31, § 34, exempted AHCCCS from the requirements of A.R.S. Title 41, Ch.6., these rules were promulgated under exemption repealed, then repromulgated.

SB1528 Laws 2012, Chapter 299, Section 7 repealed the rule-making exemption authority and Section 8 stipulated that rules adopted through the previous year's authority would expire December 31, 2013, absent specific statutory authority for those rules.

Under this rulemaking AHCCCS is cross-referencing CRS services provided for an ALTCS member to the acute care CRS rules that apply.

**6. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

None

**7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

**8. The preliminary summary of the economic, small business, and consumer impact:**

No estimated impact is expected due to the transition of existing rules from ADHS to AHCCCS. The CRS expenditures for FFY 2010 were approximately \$310,974,300.

**9. The agency's contact person who can answer questions about the economic, small business and consumer impact statement:**

Name: Mariaelena Ugarte  
Address: 701 E. Jefferson St.  
Telephone: (602) 417-4693  
Fax: (602) 253-9115  
E-mail: AHCCCSrules@azahcccs.gov  
Web site: www.azahcccs.gov

**10. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

Proposed rule language will be available on the AHCCCS website [www.azahcccs.gov](http://www.azahcccs.gov) the week of April 22, 2013. Please send written or email comments to the above address by the close of the comment period, 5:00 p.m., June 10, 2013.

Date: June 10, 2013  
Time: 11:00 a.m.  
Location: AHCCCS  
701 East Jefferson  
Phoenix, AZ 85034  
Nature: Public Hearing

Date: June 10, 2013  
Time: 11:00 a.m.  
Location: ALTCS: Arizona Long-Term Care System  
1010 N. Finance Center Dr, Suite 201  
Tucson, AZ 85710  
Nature: Public Hearing

Date: June 10, 2013  
Time: 11:00 a.m.  
Location: 2717 N. 4th St. STE 130  
Flagstaff, AZ 86004  
Nature: Public Hearing

**11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**

None

**12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:**

None

**13. The full text of the rules follows:**

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**ARTICLE 2. COVERED SERVICES**

Section

R9-28-203. ~~Repealed~~ Coverage for CRS Services

## ARTICLE 2. COVERED SERVICES

### **R9-28-203. ~~Repealed~~ Coverage for CRS Services**

- A.** Beginning October 1, 2013 ALTCS DD members who need active treatment for one or more of the qualifying medical condition(s) in A.A.C R9-22-1303 shall receive CRS services through the CRS contractor as described under Chapter 22, Article 13.
- B.** Beginning October 1, 2013 AHCCCS ALTCS EPD members who need active treatment for one or more of the qualifying medical conditions in A.A.C R9-22-1303 shall not receive CRS services through the CRS contractor as described under Chapter 22, Article 13. These members shall receive treatment for those conditions through their assigned ALTCS EPD contractor. However, an American Indian member with a CRS condition(s) who is enrolled with a tribal contractor or Native American Community Health (NACH) shall obtain CRS services through the CRS contractor.