

NOTICE OF PROPOSED EXPEDITED RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 31. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION

ARTICLE 11. CIVIL MONETARY PENALTIES AND ASSESSMENTS

PREAMBLE

1. Article, Part, or Section Affected (as applicable) Rulemaking Action  
R9-31-1101 Amend
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. § 36-2918  
Implementing statute: A.R.S. § 36-2957
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 Rulemaking Docket Opening: (volume #) A.A.R. (page #) [to be filled in by SOS editor]
4. The agency’s contact person who can answer questions about the rulemaking:  
Name: Sladjana Kuzmanovic  
Address: AHCCCS Office of Administrative Legal Services  
801 E. Jefferson  
Phoenix, AZ 85034  
Telephone: (602) 417-4232  
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 An agency’s justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:  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 proposed rulemaking is submitted in response to the Five-Year Review Report approved on October 3, 2023, which is intended to clarify the current rules. The rule amendments are proposed to promulgate rules that are clear, concise, and understandable for members of the public. The proposed rules do not impose any additional burdens or costs to regulated persons, and failure to conduct this rulemaking will promote unnecessary utilization of resources, and the incurring of unnecessary costs.
6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to 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:**

No studies were conducted relevant to the rule.

**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:**

None of the changes proposed in this 5YRR have any effect on the economic impact of this chapter. Substantive and procedural rights of members are not affected, nor are any of the programs of the Administration. These proposed changes are merely clarifying.

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

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Phoenix, AZ 85034

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**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. Please send written or email comments to the above address by the close of the comment period, 5:00 p.m., December 18, 2023.

Date: December 18, 2023

Time: 2:00 p.m.

Location: meet.google.com/pbi-stec-rcx

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:**

No other matters have been prescribed.

**a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**

Not applicable.

**b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**

The rulemaking must be established consistent with 42 CFR § 1003.200. The rule is not more stringent than federal law.

**c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:**

No analysis was submitted.

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

Not applicable.

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

**TITLE 9. HEALTH SERVICES**  
**CHAPTER 31. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM ADMINISTRATION**  
**ARTICLE 11. CIVIL MONETARY PENALTIES AND ASSESSMENTS**

Section

R9-31-1101. Basis for Civil Monetary Penalties and Assessments for Fraudulent Claims

**R9-31-1101. Basis for Civil Monetary Penalties and Assessments for Fraudulent Claims**

AHCCCS shall use the provisions in 9 A.A.C. 22, Article 11 for the determination and collection of ~~penalties,~~  
~~assessments, and penalties and assessments.~~