



Notice of Copayment Injunction

On September 24, 2010, Judge Earl H. Carroll of the United States District Court for Arizona issued an order that prohibits AHCCCS from implementing certain copayments scheduled to go into effect on October 1, 2010 (the "Injunction"). The Injunction is in effect through October 31, 2010.

The AHCCCS Administration understands the Injunction to prohibit enforcement of Arizona Administrative Code R9-22-711(F) (the "Rule"). This portion of the Rule describes copayments for "Childless Adults" and Medical Expense Deduction (MED) members. Childless Adults and MED members are also known as the "AHCCCS Expansion Population" or the "TWG (Title XIX Waiver Group) Population."

If the Court had not issued the Injunction, persons in the AHCCCS Expansion Populations would have been required to make copayments for certain services in the following amounts:

Generic Drugs	\$4.00
Brand Drugs when Generic Available	\$10.00
Non-Emergency Use of the Emergency Room	\$30.00
Physician's Office Visit	\$5.00

The Rule also would have allowed health care providers to deny care if these patients were unable to make the copayment. While the Injunction is in effect, health care providers cannot deny care to a patient who is unable to make the copayment.

While the Injunction is in effect, persons in the AHCCCS Expansion Population (as described in the Rule), will, as of October 1, 2010, be subject to the same copayment requirements found in Arizona Administrative Code R9-22-711(D) that apply to all other AHCCCS eligible persons (other than certain persons eligible for Transitional Medical Assistance). These copayments are called "nominal" copayments and are for the following services in the following amounts:

Prescription Drugs	\$2.30
Certain Evaluation & Management Services	\$3.40
Certain Physical, Occupational, or Speech Therapy	\$2.30

Health care providers may not refuse to provide service if a patient states that they are unable to make these copayments.

Through the eligibility verification system run by the AHCCCS Administration, health care providers are informed of who must make copayments, the services subject to copayments, the amount of the copayments, and whether services can be denied if the

copayment is not made. The AHCCCS eligibility verification system will reflect the changes required by the Injunction.

There are a number of exceptions to the copayment requirements. Details regarding the copayments and the exception can be found in the text of the Rule. A copy of the complete Rule, as published with the Arizona Secretary of State, may be found on the internet at:

http://www.azsos.gov/public_services/Register/2010/32/final.pdf

Please refer back to this web page for updates regarding the status of copayments as of November 1, 2010.

Question may be directed to: AHCCSCoPays@azahcccs.gov