

**NOTICE OF PROPOSED RULEMAKING**

**TITLE 9. HEALTH SERVICES**

**CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM  
ADMINISTRATION**

**PREAMBLE**

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

R9-22-1431

Repeal

**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. § 36-2907.04

Implementing statute: A.R.S. § 36-2907.04

**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: [to be filled in by SOS editor]

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

Name: Mariaelena Ugarte

Address: AHCCCS

Office of Administrative Legal Services

701 E. Jefferson, Mail Drop 6200

Phoenix, AZ 85034

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 An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**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 Administration proposes a rule-making to repeal rules related to the Family Planning Services Extension Program (FPEP) as authorized by A.R.S. § 36-2907.04 subject to the approval of a waiver from the federal government necessary to implement the program. This program provided coverage for family planning services to women who were eligible for AHCCCS during their pregnancy for a two year period following the end of their pregnancy. The federal waiver authorizing these extended benefits ended on December 31, 2013.

**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:**

A study was not referenced or relied upon for this rulemaking.

**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:**

The Administration has petitioned the Governors Regulatory Review Council to allow this rulemaking to be made without an economic impact statement. The Administration does not anticipate an economic impact since this program has been repealed and no longer enforced since 2013.

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

Name: Mariaelena Ugarte

Address: AHCCCS

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701 E. Jefferson, Mail Drop 6200

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 the week of September 15, 2014. Please send written or email comments to the above address by the close of the comment period, 5:00 p.m., November 3, 2014.

Date: November 3, 2014

Time: 10:00 a.m.

Location: AHCCCS

701 East Jefferson

Phoenix, AZ 85034

Nature: Public Hearing

Date: November 3, 2014

Time: 10:00 a.m.

Location: ALTCS: Arizona Long-Term Care System

1010 N. Finance Center Dr, Suite 201

Tucson, AZ 85710

Nature: Public Hearing

Date: November 3, 2014  
Time: 10:00 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:**

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:**

Not applicable

**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:**

None

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

**TITLE 9. HEALTH SERVICES**

**CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM**

**ADMINISTRATION**

**ARTICLE 14. AHCCCS MEDICAL COVERAGE FOR FAMILIES AND INDIVIDUALS**

Section

R9-22-1431. Family Planning Services Extension Program (FPEP)

## ARTICLE 14. AHCCCS MEDICAL COVERAGE FOR FAMILIES AND

### **~~R9-22-1431. Family Planning Services Extension Program (FPEP) Repeal~~**

- ~~A. A member who loses eligibility for AHCCCS medical coverage under R9-22-1430 due to the postpartum period ending and who has no other creditable coverage, as specified in 42 U.S.C. 300gg(c), may receive up to 24 months of family planning services as provided in this Section and A.R.S. § 36-2907.04.~~
- ~~B. Review of eligibility.~~
- ~~1. The Department shall complete a review of each member's continued eligibility for FPEP at least once every 12 months.~~
  - ~~2. If a member continues to meet all eligibility requirements, the Department shall authorize continued eligibility for the FPEP and notify the member of continued eligibility.~~
  - ~~3. The Department shall discontinue eligibility and notify the member of the discontinuance under R9-22-1415 if the member:~~
    - ~~a. Has income that exceeds 150 percent of the FPL at the time of the 12-month review,~~
    - ~~b. Fails to comply with a review of eligibility under this subsection, or~~
    - ~~c. Meets any of the criteria under subsection (D).~~
- ~~C. Changes in the member's income after the initial or review eligibility determination shall not impact the member's eligibility during the following 12-month period.~~
- ~~D. The Administration or its designee shall deny or terminate a member from FPEP under this Section if the member:~~

- ~~1. Voluntarily withdraws from the program;~~
  - ~~2. Has whereabouts that are unknown;~~
  - ~~3. Fails to provide information to the Administration or the Administration's designee;~~
  - ~~4. Becomes an inmate of a public institution;~~
  - ~~5. Moves out of state;~~
  - ~~6. Has creditable coverage under 42 U.S.C. 300gg(e);~~
  - ~~7. Fails to meet the documentation requirements for U.S. citizenship or legal alien status under A.R.S. § 36-2903.03;~~
  - ~~8. Becomes eligible under 9 A.A.C. 22, 9 A.A.C. 28, or 9 A.A.C. 31 for full services under Article 2 of this Chapter;~~
  - ~~9. Becomes sterile; or~~
  - ~~10. Dies.~~
- ~~E. The Administration or its designee shall not reinstate eligibility under this Section after the effective date of a discontinuance of eligibility unless the discontinuance is overturned on appeal or resulted from an administrative error.~~