

NOTICE OF EXEMPT RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)

PREAMBLE

1. Sections Affected

Rulemaking Action

R9-22-206

Amend

2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. 36-2907

Implementing statute: A.R.S. 36-2907, amended by HB2010, Forty-ninth Legislature, Seventh Special Session 2010

3. The proposed effective date of the rules:

Effective immediately as of the filing date July 15, 2010 with Secretary of State.

4. A list of all previous notices appearing in the Register addressing the proposed exempt rule:

None

5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

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Office of Administrative and Legal Services
701 E. Jefferson, Mail Drop 6200
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6. An explanation of the rule, including the agency's reasons for initiating the rule, including the statutory citation to the exemption from regular rulemaking procedures:

The AHCCCS Administration is proposing rule changes to delineate the service limitations/ exclusions as described in HB2010, Forty-ninth Legislature Seventh Special Session of 2010. This rulemaking specifically addresses the exclusion of Pancreas-Only transplants included in the legislation. This rule clarifies the AHCCCS Administration's long-standing interpretation of its current policy regarding coverage of transplantation of a pancreas by itself (which, as a result of the recent legislation is now reflected in statute). This rule clarifies that the exclusion of pancreas-only transplants includes the transplantation of a portion of the pancreas. This exclusion also precludes coverage from islet cells derived from the pancreas. The AHCCCS Administration plans to file a separate rule amendment at a later date to implement the remainder of

the legislation. This rule regarding pancreas-only transplants is being implemented immediately to avoid the costs associated with any pancreas-only transplants that may be sought between now and the effective date of the comprehensive revision of the rule.

The AHCCCS Administration is exempt from the rule making requirements of Title 41, Chapter 6, A.R.S., as described in HB2010, Forty-ninth Legislature Seventh Special Session of 2010, Section 34.

7. 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 relied upon for the implementation of this rulemaking. The rule implements a statutory change.

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

Not applicable.

9. The summary of the economic, small business, and consumer impact:

The Administration estimates that between one to ten members per year may be impacted by the proposed limitations/exclusions of pancreas transplant services the cost of which is estimated to be approximately \$100,000.00 per transplant.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

Not applicable.

11. A summary of the comments made regarding the rule and the agency response to them:

Not applicable.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable.

13. Incorporations by reference and their location in the rules:

None.

14. Was this rule previously made as an emergency rule? If so, please indicate the Register citation:

No.

15. The full text of the rules follows:

TITLE 9. HEALTH SERVICES
CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM
ADMINISTRATION

ARTICLE 2. SCOPE OF SERVICES

Section

R9-22-206. Organ and Tissue Transplant Services

TITLE 9. HEALTH SERVICES
CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM
ADMINISTRATION

ARTICLE 2. SCOPE OF SERVICES

R9-22-206. Organ and Tissue Transplant Services

A. ~~Under A.R.S. § 36-2907, organ~~ Organ and tissue transplant services are covered for a member if prior authorized and coordinated with the member's contractor, or the Administration.

The following transplants are covered for individuals 21 years of age or older:

- a. Heart;
- b. Liver;
- c. Kidney (cadaveric and live donor);
- d. Simultaneous Pancreas/Kidney (SPK);
- e. Autologous and Allogeneic Related Hematopoietic Cell transplants;
- f. Cornea; and
- g. Bone.

B. ~~Organ and tissue transplant services are not covered for qualified aliens or noncitizens members of FESP under A.R.S. § 36-2903.03(D).~~

B. Pancreas transplants are not covered for individuals 21 years of age or older if it is not performed simultaneously with a kidney transplant (pancreas only transplants). Partial pancreas transplants and autologous and allogeneic pancreas islet cell transplants are not covered even if performed simultaneously with a kidney transplant.

C. Organ and tissue transplant services are not covered for qualified aliens or noncitizens members of FESP under A.R.S. § 36-2903.03(D).