

## Expansion Population Freeze 2011 Public Comments

| <u>Numb:</u> | <u>Date/<br/>Commentor:</u>                                 | <u>Comment:</u>  | <u>Response:</u>   |
|--------------|---|--|--|
| 1.           | 11/11/11<br>Gary Brennan<br>Quality Care<br>Network         | The age for childless adults should expand the group covered from birth through age 26, minimally. This will provide the best protection for those young adults transitioning from foster care, who decide to not stay under the programs of ADES/CPS at age of majority. It will also include those others who will not qualify, clinically, as seriously mentally ill (SMI) in the behavioral health delivery system. Many of these young adults need ongoing medications and other clinically supportive services to transition into independence and adulthood. Finally, it will match what is allowed under the Affordable Care Act for young adults fortunate to be within a family that has commercial insurance. | An expansion to all persons under the age of 26 could not be accomplished consistent with the appropriation to the agency. Similarly, the current demonstration project does not provide federal financial participation for all persons under the age of 26.  |
| 2.           | 11/30/11<br>Ellen S. Katz<br>William<br>Morris<br>Institute | <p>The Institute reiterates all the arguments it made on June 20, 2011. The proposed amended rulemaking and the initial rulemaking should be withdrawn.</p> <p><b>H. The Categories Excepted From the Freeze Violate Equal Protection Protections of the State and Federal Constitutions</b><br/>As noted above, in Sections D-G of the proposed amended rule, certain individuals will be allowed to transition to other categories after July 8, or will be allowed to transition back to the childless adult category after July 8. These categories treat similarly situated persons differently in violation</p>  | <p>See our responses to the comments made in the original rulemaking. Since the agency's response to the June 20, 2011 comments, the Arizona Court of Appeals upheld the legality of the initial proposed rulemaking and the freeze on enrollment for Childless Adults. In addition the federal government has approved a new demonstration project consistent with the provisions of this proposed rule following public notice and comment period consistent with the federal requirements.</p> <p>The purpose of the rule is to preserve eligibility for those persons who benefited from the expanded definition of eligibility (coverage for Childless Adults) as of July 8, 2011 when the freeze went into effect and so long as they continue to meet</p> |

## Expansion Population Freeze 2011 Public Comments

|  |  |   |  |
|--|--|---|--|
|  |  | <p>of equal protection under the Arizona and federal constitutions. As an example, a childless adult transferred to the SSI/MAO program in June 2011 but who subsequently is found not eligible for SSI will not be transferred back to the childless adult category. A similarly situated person transferred to the SSI/MAO category after July 8 will be transferred back to the childless adult category. There is no reason for this arbitrary distinction. All persons on the AHCCCS program as of July 8 must be allowed to transition to any other category including the childless adult category. Otherwise, the proposed amended rule creates discriminatory classifications.</p> | <p>eligibility requirement for AHCCCS Care (AC) and comply with renewal requirements. Pursuant to proposed subsection (G) and the terms of the current demonstration project, the Administration will identify those persons who on or after June 28, 2011 were eligible for AC but whose circumstances suggest that they could be more appropriately determined eligible under the state plan category for SSI/MAO. The eligibility status for these people will be administratively changed to SSI/MAO pending a complete determination of their eligibility for this category as of their regularly scheduled annual renewal date. These individuals should not be penalized by being discontinued based on an erroneous administrative action.</p> |
|  |  |   |  |
|  |  |   |  |
|  |  |   |  |
|  |  |   |  |