



**6. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**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.

See:

These documents will list the FPEP program as a current program in 2013.

[http://www.azahcccs.gov/reporting/Downloads/1115waiver/AZ\\_SNCP%20II%20Amendment\\_STCs\\_Final.pdf](http://www.azahcccs.gov/reporting/Downloads/1115waiver/AZ_SNCP%20II%20Amendment_STCs_Final.pdf), and for funding;

[http://www.azahcccs.gov/reporting/Downloads/AZ\\_5CityAmendment\\_CNOMS\CMS.pdf](http://www.azahcccs.gov/reporting/Downloads/AZ_5CityAmendment_CNOMS\CMS.pdf).

Then under the 2014 Special Terms and Conditions and Expenditure Authority docs you will find that the program is no longer listed.

See:

<http://www.azahcccs.gov/reporting/Downloads/ConformingCMS121514.pdf>

**7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not 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 when revising this regulation.

**8. 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.

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

The Administration has petitioned the Governors Regulatory Review Council (GRRC) to allow this rulemaking to be made without an economic impact statement. The petition was approved by GRRC October 7, 2014. The Administration does not anticipate an economic impact since this program has been repealed and unenforced since 2013.

**10. A description of any changes between the proposed rulemaking, to include supplemental notices, and the final rulemaking:**

No significant changes were made between the proposed rulemaking and the final rulemaking. The Notice of Final rulemaking text was updated with recent changes made to R9-22-1431 in a rulemaking made effective January 7, 2014. These changes were not captured in the Notice of Proposed rulemaking published on October 3, 2014. This was an oversight on behalf of the rulewriter but considered a technical change since the program ceased to be funded as of December 31, 2013. The differences were: Where the term “Department” was used it was changed to say “Administration or its designee”, invalid cross-references were removed and the income % updated to 156%. When necessary, technical changes were made as a result of the Governors Regulatory Review Council staff’s recommendations.

**11. An agency’s summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments:**

No comments were received as of the close of the comment period of November 3, 2014.

**12. 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 are applicable.

**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:**

Federal law is applicable to the subject matter of the rule, but the rule was not more stringent than federal law. Because the federal waiver governing this program has expired, as identified under item 6, the rule is no longer necessary.

**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:**

Not applicable.

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

None

**14. Whether the rule was previously made, amended or repealed as an emergency rule. If so, cite the notice published in the Register as specified in R1-1-409(A). Also, the agency shall state where the text was changed between the emergency and the final rulemaking packages:**

Not applicable.

**15. 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)~~Repeal

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

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

~~A. A member who loses eligibility for AHCCCS medical coverage due to the postpartum period ending and who has no other creditable coverage, as specified in 42 U.S.C. 300gg-3(e)(1), 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 Administration or its designee 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 Administration or its designee shall authorize continued eligibility for the FPEP and notify the member of continued eligibility.~~
- ~~3. The Administration or its designee shall discontinue eligibility and notify the member of the discontinuance if the member:
  - ~~a. Has income that exceeds 156 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. Cannot be located;~~
- ~~3. Fails to provide information to the Administration or its designee;~~
- ~~4. Moves out of state;~~
- ~~5. Has creditable coverage under 42 U.S.C. 300gg-3(e)(1);~~
- ~~6. Fails to meet the documentation requirements for U.S. citizenship or legal alien status under A.R.S. § 36-2903.03;~~
- ~~7. 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;~~
- ~~8. Becomes sterile; or~~
- ~~9. 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.~~