

## NOTICES OF EXEMPT RULEMAKING

The Administrative Procedure Act requires the *Register* publication of the rules adopted by the state's agencies under an exemption from all or part of the Administrative Procedure Act. Some of these rules are exempted by A.R.S. §§ 41-1005 or 41-1057; other rules are exempted by other statutes; rules of the Corporation Commission are exempt from Attorney General review pursuant to a court decision as determined by the Corporation Commission.

### NOTICE OF EXEMPT RULEMAKING

#### TITLE 9. HEALTH SERVICES

#### CHAPTER 31. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM CHILDREN'S HEALTH INSURANCE PROGRAM

##### PREAMBLE

- 1. Sections Affected**  
R9-31-1402
- Rulemaking Action**  
Amend
- 2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**  
Authorizing statutes: A.R.S. §§ 36-2903.01 and 36-2983  
Implementing statute: A.R.S. § 36-2903.01
- 3. The effective date of the rules:**  
July 1, 2004
- 4. A list of all previous notices appearing in the Register addressing the exempt rule:**  
Notice of Exempt Rulemaking: Volume 9 A.A.R. 4560, October 24, 2003  
Notice of Exempt Rulemaking: Volume 10 A.A.R. 504, February 13, 2004
- 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**  
Name: Linda Barry  
Address: AHCCCS  
Office of Legal Assistance  
701 E. Jefferson, Mail Drop 6200  
Phoenix, AZ 85034  
Telephone: (602) 417-4484  
Fax: (602) 253-9115  
E-mail: lbbarry@ahcccs.state.az.us
- 6. An explanation of the rule, including the agency's reasons for initiating the rule, including the statutory citation to the exemption from the regular rulemaking procedures:**  
AHCCCS has amended the rule to require a premium for children eligible for the KidsCare program whose families have income greater than 100% and equal to or less than 150% of the FPL. The rulemaking is exempt from the provisions of Title 41, Ch. 6 under Laws 2003, Ch. 265, § 54.
- 7. A reference to any study relevant to the rule that the agency reviewed and either relied on in its evaluation of or justification for the rule 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:**  
AHCCCS did not review any study relevant to these rules.
- 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:**  
Not applicable
- 10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if appli-**

Notices of Exempt Rulemaking

**cable):**

Not applicable

**11. A summary of the principal comments and the agency response to them:**

AHCCCS did not receive any comments from the public.

**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:**

No incorporations by reference

**14. Was this rule previously adopted as an emergency rule?**

No

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

**TITLE 9. HEALTH SERVICES**

**CHAPTER 31. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM  
CHILDREN'S HEALTH INSURANCE PROGRAM**

**ARTICLE 14. PREMIUMS**

Section

R9-31-1402. Premium Amount for a Member who is a Child Determined Eligible Under Article 3 of This Chapter

**ARTICLE 14. PREMIUMS**

**R9-31-1402. Premium Amount for a Member who is a Child Determined Eligible Under Article 3 of This Chapter**

- A.** For the purposes of this Article, a premium is a monthly amount that an enrolled member pays to the Administration to remain eligible for Title ~~XIX~~ or XXI.
- B.** When the household income is greater than 100 percent of the FPL and less than or equal to 150 percent of the FPL, the monthly premium is \$10 for one eligible child and \$15 for two or more eligible children.
- ~~B.C.~~** When household income is greater than 150 percent of the FPL and less than or equal to 175 percent of the FPL, the monthly premium payment is \$20 for one eligible child and \$30 for two or more eligible children.
- ~~C.D.~~** When household income is greater than 175 percent of the FPL and less than or equal to 200 percent of the FPL, the monthly premium is \$25 for one eligible child and \$35 for two or more eligible children.
- ~~D.E.~~** A household's premium payments as specified in this Section ~~and R9-31-1408, when combined with a household's copayments as specified in R9-22-711,~~ shall not exceed five percent of a household's gross income.
- ~~E.F.~~** A member's newborn is enrolled immediately upon the Administration receiving notification of the child's birth. Upon enrollment, the household's premium is redetermined.