

## 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** **Rulemaking Action**  
R9-31-1418 Amend
- 2. The statutory 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 statutes: A.R.S. § 36-2903.01
- 3. The effective date of the rules:**  
August 30, 2004
- 4. A list of all previous notices appearing in the Register addressing the exempt rule:**  
None
- 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) 417-4232  
Fax: (602) 253-9115  
E-mail: proposedrules@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:**  
Notwithstanding R9-31-1418 (A) for persons enrolled on or before July 1, 2004 who were required to pay the premium required by R9-31-1402 (B), the Administration shall not discontinue eligibility until the Administration has not received premium amounts due for the past two months and the current month by the 15th day of the month in which the Administration sends the adverse action notice. The rulemaking is exempt from the provisions of Title 41, Chapter 6 under Laws 2003, Chapter 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 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:**  
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 applicable):**

Not applicable

**11. A summary of the comments made regarding rule, 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

R9-31-1418. Discontinuance for Failure to Pay Premium

**ARTICLE 14. PREMIUMS**

**R9-31-1418. Discontinuance for Failure to Pay Premium**

- A.** Discontinuance notice. The Administration shall discontinue eligibility if the Administration does not receive the past and current due amounts by the 15th day of the month in which the Administration sends the adverse action notice. The Administration shall follow the discontinuance notice requirements under R9-31-310(B).
- B.** Discontinuance rescinded. The Administration shall continue eligibility if the past and current due amounts are received by the Administration in full, before the effective date of the discontinuance.
- C.** Discontinuance of eligibility. The Administration shall discontinue eligibility on the effective date of the discontinuance if the past and current due amounts are not received by the Administration in full, before the effective date of the discontinuance.
- D.** Payment of premium. A member who was discontinued for an unpaid premium shall pay the past due premium amounts to the Administration before eligibility under this Article can be reestablished.
- E.** Notwithstanding subsection (A) for persons enrolled on or before July 1, 2004 who were required to pay the premium required by R9-31-1402(B), the Administration shall not discontinue eligibility until the Administration has not received premium amounts due for the past two months and the current month by the 15th day of the month in which the Administration sends the adverse action notice.