



NOTICES OF RULEMAKING DOCKET OPENING

This section of the Arizona Administrative Register contains Notices of Rulemaking Docket Opening.

A docket opening is the first part of the administrative rulemaking process. It is an "announcement" that the agency intends to work on its rules.

When an agency opens a rulemaking docket to consider rulemaking, the Administrative Procedure Act (APA) requires publication of the Notice of Rulemaking Docket Opening.

Under the APA, effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process. Many times an agency may file the Notice of Rulemaking Docket Opening with the Notice of Proposed Rulemaking.

The Office of the Secretary of State is the filing office and publisher of these notices. Questions about the interpretation of this information should be directed to the agency contact person listed in item #4 of this notice.

NOTICE OF RULEMAKING DOCKET OPENING

ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM (AHCCCS)
ARIZONA LONG-TERM CARE SYSTEM

[R15-16]

- 1. Title and its heading: 9, Health Services
Chapter and its heading: 28, AHCCCS - Arizona Long-Term Care System
Article and its heading: 2, Scope of Services
Section numbers: R9-28-202 and R9-28-206 (As part of this rulemaking, the Administration may add, delete, or modify Sections as necessary.)

2. The subject matter of the proposed rule: This rulemaking is required as a result of the Ninth Circuit Court of Appeals Decision in Alvarez et al v Bellach upholding Plaintiffs' position in May 2014. This litigation, filed in federal court in 2009 by the Arizona Center for Disability Law, sought to compel AHCCCS to provide incontinence briefs when medically necessary to prevent skin breakdown for members age 21 years and older who are incontinent as a result of their disabilities.

As a result of the decision, AHCCCS must expand coverage of incontinence briefs to include preventive purposes for ALTCS members age 21 years and older effective December 15, 2014.

3. A citation to all published notices relating to the proceeding: Notice of Proposed Rulemaking: 21 A.A.R. 487, April 3, 2015 (in this issue).

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

Name: Mariaelena Ugarte
Address: AHCCCS
Office of Administrative Legal Services
701 E. Jefferson, Mail Drop 6200
Phoenix, AZ 85034
Telephone: (602) 417- 4693
Fax: (602) 253-9115
E-mail: AHCCCSrules@azahcccs.gov

5. The time which the agency will accept written comments and the time and place where oral comments may be made:

The Administration will accept written comments Monday through Friday, 8 a.m. to 5 p.m., at the address indicated in question #4. Public hearings will be scheduled later to provide a forum for discussion with interested parties. E-mail comments will be accepted.

6. A timetable for agency decisions or other action on the proceeding, if known:

The Administration has initiated this rulemaking within the 60-day time period as stated under A.R.S. § 41-1033. The Notice of Proposed Rulemaking is published along with this notice.