

COMMITTEE ON HEALTH & HUMAN SERVICES
HOUSE OF REPRESENTATIVES AMENDMENTS TO H.B. 2182
(Reference to printed bill)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.

[Green underlining in brackets] indicates text added to new session law or text restoring existing law.

[GREEN STRIKEOUT IN BRACKETS] indicates new text removed from statute or previously enacted session law.

[Green strikeout in brackets] indicates text removed from existing statute, previously enacted session law or new session law.

<<Green carets>> indicate a section added to the bill.

<<Green strikeout in carets>> indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Section 1. Section 36-2936, Arizona Revised Statutes, is amended to
3 read:

4 36-2936. Preadmission screening programs; functional tests;
5 screening review; rules

6 A. The director shall adopt rules establishing a uniform statewide
7 preadmission screening program to determine if a person who has met the
8 eligibility criteria prescribed in section 36-2934 is eligible for
9 institutional services pursuant to this article. To be eligible for
10 institutional services or home and community based services ~~as defined in~~
11 ~~section 36-2931~~, a person shall have a nonpsychiatric medical condition or
12 have a developmental disability as defined in section 36-551 that, by
13 itself or in combination with other medical conditions, necessitates the
14 level of care that is provided in a nursing facility or intermediate care
15 facility. These rules shall establish a uniform preadmission screening
16 instrument that assesses the **COGNITIVE**, functional, medical, nursing,
17 social and developmental needs of the applicant. **COGNITIVE NEEDS INCLUDE**
18 **PROMPTING, MONITORING AND SUPERVISING DAILY ACTIVITIES. THE RULES SHALL**
19 **WEIGH COGNITIVE IMPAIRMENT AND PHYSICAL IMPAIRMENT AT THE SAME WEIGHT IF**
20 **THE IMPAIRMENT PRODUCES A SIMILAR LEVEL OF FUNCTIONAL DIFFICULTY.**

21 B. A person is not eligible to receive home and community based
22 services unless that person has been determined to need institutional
23 services as determined by the preadmission screening instrument pursuant
24 to subsection D of this section. The administration shall establish
25 guidelines for the periodic reassessment of each member.

1 C. Preadmission screening conducted pursuant to subsection B of
2 this section shall be conducted [telephonically or virtually] ~~[IN PERSON]~~,
3 unless [the administration determines it is necessary to conduct the
4 assessment in person or] the applicant being screened or the applicant's
5 representative requests [an in-person] ~~[A VIDEO OR TELEPHONE]~~ assessment.
6 The administration shall [provide notice to applicants that the purpose of
7 preadmission screening is to conduct a meaningful review of an applicant's
8 medical needs, functional capacity, social and developmental needs and
9 emotional and cognitive behaviors. The notice shall inform applicants
10 that the applicant or the applicant's representative may request an
11 in-person assessment and may request accommodations in the preadmission
12 screening process under the Americans with disabilities act of 1990.]
13 ~~[ATTEMPT TO CONDUCT THE PREADMISSION SCREENING ASSESSMENT WITH THE~~
14 ~~APPLICANT IN THE APPLICANT'S RESIDENCE AND TO INTERVIEW THE APPLICANT'S~~
15 ~~CAREGIVERS, FAMILY, NEIGHBORS AND MEDICAL PROVIDERS WHO HAVE KNOWLEDGE OF~~
16 ~~THE APPLICANT'S CARE NEEDS.]~~

17 D. Preadmission screening conducted pursuant to subsection B of
18 this section shall be conducted by a registered nurse who is licensed
19 pursuant to title 32, chapter 15 or by a social worker. The nurse or
20 social worker shall have a physician who is licensed pursuant to title 32,
21 chapter 13 or 17 available for consultation and may use the applicant's
22 attending physician's physical assessment form, if appropriate, in
23 assessing needs for long-term care services under this article. A
24 physician who receives a referral from the nurse or social worker may use
25 the physician's medical judgment to determine the medical eligibility of
26 an applicant for the system or the continued medical eligibility of a
27 member or eligible person. In the medical referral, the physician shall
28 use the established combined thresholds for functional ability and medical
29 condition as a guide to determine the risk of institutionalization.

30 E. If a person who is eligible for services pursuant to this
31 article, who is enrolled with a program contractor pursuant to this
32 article and who is enrolled with a program contractor pursuant to section
33 36-2940 fails the preadmission screening for institutional services
34 pursuant to subsection A of this section at the time of a reassessment,
35 the administration may administer a second preadmission screening designed
36 to measure the functioning level of the person based on rules adopted by
37 the director. If the person meets the established thresholds of the
38 functional preadmission screening, the person is eligible for home and
39 community based services pursuant to section 36-2939, subsection A,
40 paragraphs 2, 3 and 4, subsection B, paragraph 2 and subsection C. If a
41 person who is determined eligible pursuant to this subsection is
42 institutionalized pursuant to section 36-2939, including residence in an
43 intermediate care facility, institution for mental disease, inpatient
44 psychiatric facility or nursing facility, the person has a maximum of
45 ninety days to vacate the institutional setting and relocate to a home and
46 community based setting approved pursuant to section 36-2939.

1 F. If the person is determined not to need services pursuant to
2 this section, the administration shall provide the person with information
3 on other available community services.

4 G. The administration or its designee shall complete the
5 preadmission screening under subsection A of this section within eight
6 days, excluding Saturdays and holidays, and excluding the time period
7 allowed to determine eligibility pursuant to section 36-2934.

8 H. If a provider who contracts with the administration pursuant to
9 section 36-2904, subsection A is dissatisfied with any action or decision
10 of the administration regarding the eligibility of a person for the system
11 as prescribed in this article, that provider may file a grievance in
12 accordance with the provider grievance procedure prescribed in section
13 36-2932, subsection I, paragraph 1. If the director determines pursuant
14 to the grievance process that the person should have been determined
15 eligible pursuant to section 36-2933, the director may reimburse the
16 provider for the net cost of services provided pursuant to this article
17 after the cumulative time periods allowed pursuant to section 36-2934 and
18 this section.

19 I. In addition to those persons seeking services pursuant to this
20 article, the preadmission screening conducted pursuant to this section
21 shall be made available to all other persons applying for admission to a
22 nursing care institution. The cost of preadmission screenings conducted
23 by the administration pursuant to this subsection shall be borne by the
24 state. The administration shall provide nursing care institutions and the
25 general public on request with detailed information about the preadmission
26 screening program and booklets that describe in clear and simple language
27 the availability of services and benefits from the system. The booklet
28 shall:

29 1. Explain the availability of preadmission screening that will
30 assess the functional, medical, nursing and social needs of the patient
31 and make recommendations on services that meet the patient's needs as
32 identified by the preadmission screening assessment.

33 2. Describe the availability of public and private services
34 appropriate to meet the patient's needs in institutions and alternatives
35 to institutions.

36 3. Explain financial eligibility standards for the Arizona
37 long-term care system and its effect on separate and community property.

38 J. In addition to the preadmission screening program established in
39 this section, the administration shall implement the preadmission
40 screening program as set forth in section 1919 of the social security act.
41 For persons applying for admission to a title XIX certified nursing care
42 institution, an initial level I preadmission screening shall be conducted
43 by the administration on all nursing care institution applicants who are
44 applying for eligibility pursuant to section 36-2933 and by the nursing
45 care institution on all other nursing care institution applicants. The
46 administration shall develop a uniform identification screening
47 instrument, which shall be used by the nursing care institution and the

1 administration in conducting the initial level I screens. If the
2 identification screen indicates the applicant may be mentally ill, the
3 applicant shall be referred to the administration, which shall conduct the
4 level II preadmission screening review using a level II screening
5 instrument developed by the administration. If the identification screen
6 indicates the applicant may have an intellectual disability, the applicant
7 shall be referred to the department, which shall conduct the level II
8 preadmission screening review using a level II screening instrument
9 developed by the department.

10 K. Within ten working days a nursing care institution shall notify
11 the administration for a person who is mentally ill or the department of
12 economic security for a person with developmental disabilities and the
13 department of child safety if the person is a minor dependent of this
14 state about any significant change that occurs in the physical or mental
15 condition of a member who is residing in the nursing care institution.
16 The administration or the department of economic security shall conduct a
17 subsequent level II screening review of the member within the time frame
18 required by the administration after the notification by the nursing care
19 institution.

20 <<Sec. 2. Effective date
21 [Section 36-2936, Arizona Revised Statutes, as amended by this act,
22 is effective from and after June 30, 2027.]>>

23 Enroll and engross to conform

24 Amend title to conform

And, as so amended, it do pass

SELINA BLISS
CHAIRMAN

2182HEALTH HUMAN SERVICES.docx
01/27/2025
04:06 PM
C: MH