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## 105 What Laws Apply to AHCCCS Medical Assistance?

Policy
Definitions

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### Policy

AHCCCS develops the policy contained in this manual using the following authorities:

- Federal and State laws and regulations;
- Waivers; and
- The Medicaid and CHIP State Plans.

#### 1) Federal Authorities

The federal authorities are the major framework for Medicaid and CHIP programs. The CHIP program in Arizona is called KidsCare.

Federal laws provides options to states to develop these programs. States use these options to individualize the programs for each state.

Federal authorities used to develop eligibility policy for the Medicaid and KidsCare programs include:

- Public Laws;
- Social Security Act (the Act);
- United States Code (USC);
- Code of Federal Regulations (CFR);
- State Medicaid Manual (SMM);
- CMS guidance and letters to State Medicaid Directors (SMDL);
- Federal Register.

#### 2) State Authorities

State laws are developed based on the Federal laws and regulations made by Congress and the Federal government. The Program Support Administration researches several state authorities to develop eligibility policy. State authorities include:

- Arizona Revised Statutes (ARS);
- Arizona Administrative Code (AAC);
- Arizona Administrative Register (AAR); and
- Eligibility Policy and Procedure Manuals (EPM).

### **3) AHCCCS Waiver Authorities**

States must comply with Title XIX and Title XXI of the Social Security Act. Since AHCCCS began on October 1, 1982, the agency has been exempt from specific provisions of the SSA under an 1115 Research and Demonstration Waiver. The number 1115 refers to section 1115 of the Act.

The AHCCCS 1115 Waiver contains:

- Provisions in the Act from which AHCCCS is waived;
- Expenditure authority for certain items under section 1903 of the Act;
- Terms and conditions that AHCCCS must fulfill, which includes documents and reports that must be submitted during the year;
- Approved federal budget amounts; and
- Attachments that outline financial, legislative, and budget neutrality requirements.

See <http://www.azahcccs.gov/reporting/LawsRegulations/federal/waiver.aspx> for Arizona's 1115 Waiver.

### **4) The State Plan**

Arizona has a Medicaid State Plan and a KidsCare State Plan. The State Plans assure that Arizona will administer the Medicaid and KidsCare programs according to federal requirements.

AHCCCS is Arizona's state agency with the responsibility for the State Plan. AHCCCS submits amendments to reflect changes in federal law, regulation, policy, or court decisions. The methods used for determining eligibility for AHCCCS programs or coverage groups may be modified by Arizona's waiver or by Arizona's Medicaid State Plan or KidsCare's State Plan.

## Definitions

Term	Definition
Public Law	<p>A printing of the full text of a new law or an amendment to an existing law after it has been enacted by Congress and signed by the President.</p> <p>Public laws are later codified (collected and arranged) in the US Code (USC) along with all other Federal Laws.</p>
Social Security Act (SSA)	<p>The SSA covers all aspects of Social Security. AHCCCS authorizes health care coverage in compliance with four titles of the Act:</p> <ul style="list-style-type: none"> <li>• Title XVI of the Act is the Supplemental Security Income (SSI) program. The SSI program is for aged, blind and disabled persons who have low income. AHCCCS uses this Title for SSI-MAO and ALTCS.</li> <li>• Title XIX of the Act refers to Medicaid. It identifies the mandatory and optional coverage groups and the basic conditions of eligibility for each.</li> <li>• Title XXI provides funds to states to enable them to initiate and expand the provision of children's health insurance to uninsured, low-income children. KidsCare is Arizona's State Children's Health Insurance Program.</li> <li>• Title XVIII of the act refers to Medicare. It establishes the requirements for the Medicare Part A, B, C and D program.</li> </ul> <p>See <a href="http://www.ssa.gov/OP_Home/ssact/comp-toc.htm">http://www.ssa.gov/OP_Home/ssact/comp-toc.htm</a> to view the Social Security Act.</p>
United States Code (USC)	<p>The USC contains federal law made by Congress. It is a consolidation and codification by subject matter of the general and permanent laws of the United States.</p> <p>See <a href="http://www.access.gpo.gov/uscode">http://www.access.gpo.gov/uscode</a> to view the USC.</p>

Code of Federal Regulations (CFR)	<p>The CFR is a codification of general and permanent rules (regulations) that have been previously published in the Federal Register. The CFR provides more detail about conditions of eligibility than the USC. AHCCCS Medical Assistance programs and coverage groups are described in:</p> <ul style="list-style-type: none"> <li>● 42 CFR - Public Health;</li> <li>● 20 CFR - Supplemental Security Income; and</li> <li>● 45 CFR - Public Welfare.</li> </ul> <p>See <a href="http://www.gpoaccess.gov/fr/index.html">http://www.gpoaccess.gov/fr/index.html</a> to view the CFR.</p>
State Medicaid Manual (SMM)	<p>The SMM is developed by the Centers for Medicare and Medicaid Services (CMS). Its purpose is to provide policy guidance for the Medicaid requirements contained in the CFR.</p> <p>See <a href="http://cms.hhs.gov/manuals/45_smm/pub45toc.asp">http://cms.hhs.gov/manuals/45_smm/pub45toc.asp</a> to view the State Medicaid Manual.</p>
Center for Medicare and Medicaid (CMS) Guidance	<p>CMS' State Medicaid Director letters (SMDL) are issued by CMS to all Directors of State Medicaid agencies. SMDLs provide information and/or guidance to the states on Medicaid and State Children's Health Insurance Program (SCHIP) topics.</p> <p>See <a href="http://cms.hhs.gov/states/letters/default.asp">http://cms.hhs.gov/states/letters/default.asp</a> to view Medicaid related letters.</p> <p>See <a href="http://cms.hhs.gov/schip/chstltrs.asp">http://cms.hhs.gov/schip/chstltrs.asp</a> to view SCHIP related letters.</p> <p>CMS Rulings are final decisions of the Administrator that clarify complex or unclear provisions of the law or regulations relating to Medicaid or SCHIP.</p> <p>See <a href="http://cms.hhs.gov/rulings/">http://cms.hhs.gov/rulings/</a> to view CMS Rulings.</p>
SSA's Program Operations Manual (POMS)	<p>POMS is the internal operating instructions used by SSA to process claims for Social Security benefits. The Program Support Administration uses POMS to assist in developing eligibility policy for ALTCS and SSI-MAO.</p> <p>See <a href="http://policy.ssa.gov/poms.nsf/poms">http://policy.ssa.gov/poms.nsf/poms</a> to view POMS.</p>

Federal Register	<p>The Federal Register is the official daily publication of the U.S. government. It contains:</p> <ul style="list-style-type: none"> <li>● New regulations;</li> <li>● Changes to the CFR; and</li> <li>● Legal notices issued by Federal agencies and the President.</li> </ul> <p>See <a href="http://www.gpo.gov/su_docs/aces/aces140.html">http://www.gpo.gov/su_docs/aces/aces140.html</a> to view the Federal Register.</p>
Arizona Revised Statutes (ARS)	<p>The ARS are made by the Arizona legislature and are equivalent to the Federal Laws in the USC. The following AHCCCS related statutes are located in Title 36, Chapter 29:</p> <ul style="list-style-type: none"> <li>● Article 1 Medicaid and Healthcare Group;</li> <li>● Article 2 ALTCS;</li> <li>● Article 3 QMB; and</li> <li>● Article 4 Children's State Health Insurance Program (KidsCare);</li> </ul> <p>See <a href="http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp">http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp</a> to view the ARS.</p>
Arizona Administrative Code (AAC)	<p>The AAC is commonly referred to as the Rules. The AAC is developed by the responsible state agency and approved by the Governor's Regulatory Review Council (GRRC). The AAC provides more detail than the ARS. The AHCCCS related rules are located in Title 9:</p> <ul style="list-style-type: none"> <li>● Chapter 22 Medicaid; <ul style="list-style-type: none"> <li>○ Article 15 - SSI MAO</li> <li>○ Article 19 - Freedom to Work</li> <li>○ Article 20 - BCCTP</li> </ul> </li> <li>● Chapter 27 Healthcare Group;</li> <li>● Chapter 28 ALTCS;</li> <li>● Chapter 29 QMB, SLMB and QI-1;</li> <li>● Chapter 31 KidsCare; and</li> <li>● Chapter 34 Grievance System.</li> </ul> <p>See <a href="http://www.sosaz.com/Rules_and_regulations.htm">http://www.sosaz.com/Rules_and_regulations.htm</a> to view the AAC.</p>

Arizona Administrative Register (AAR)	<p>The AAR is the official publication of the State of Arizona. The AAR contains rules approved by the GRRC but not yet published in the AAC.</p> <p>See <a href="http://www.sosaz.com/aar">http://www.sosaz.com/aar</a> to view the AAR.</p>
Eligibility Policy and Procedure Manuals	<p>Each state is required to maintain Eligibility Policy and Procedure Manuals for all of the programs and coverage groups. Arizona's Eligibility Policy and Procedure Manuals are developed and maintained by the following agencies:</p> <ul style="list-style-type: none"> <li>• AHCCCS, Program Support Administration; and</li> <li>• Department of Economic Security (DES), Family Assistance Administration (FAA).</li> </ul>
State Plan	<p>The State Plan is a comprehensive written contract between AHCCCS and the Centers for Medicare and Medicaid Services (CMS). The State Plan describes the nature and scope of its Medicaid and KidsCare programs.</p> <p>See <a href="http://www.azahcccs.gov/Regulations/LawsRegulations">http://www.azahcccs.gov/Regulations/LawsRegulations</a> to view Arizona's Medicaid State Plan.</p> <p>See <a href="http://www.azahcccs.gov/Regulations/LawsRegulations">http://www.azahcccs.gov/Regulations/LawsRegulations</a> to view the KidsCare State Plan.</p>



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