



treatment. While effective, some existing rules lack the necessary clarity to fully guide individuals relying on them. The proposed changes in this rulemaking are meant for clarifying purposes and do not impose any additional burdens or costs to regulated persons. Substantive and procedural rights of members are not affected, nor are any of the programs of the Administration.

**7. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to 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:**

The Administration did not review or rely on any study for this rulemaking.

**8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable.

**9. The preliminary summary of the economic, small business, and consumer impact:**

The Administration does not anticipate an economic impact due to these changes since changes provide clarity and not changes in practice. The recommendations will not incur any additional costs to the implementing agency or any other agency but represent current practice. Proposed changes primarily serve to provide clarification including updating a rule stating that a woman enrolled in this program is exempt from copays and replacing references to “Chief Medical Officer” with “Administration” because the determination whether a treatment is considered the standard of care may be made by Administration staff, not necessarily by the Chief Medical Officer. Also, other technical changes are being made such as rewording a rule to clarify the reoccurrence of cancer and eligibility and removing references to a couple of rules that have been repealed. The promulgated rule represents the most cost-effective method of fulfilling AHCCCS’ responsibilities while complying with all applicable state and federal laws and regulations.

**10. The agency’s contact person who can answer questions about the economic, small business and consumer impact statement:**

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**11. The time, place, and nature of the proceedings to make, amend, repeal, or renumber the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

Written comments about this proposed rulemaking will be accepted in person at the address provided under Item #5, Monday through Friday from 8 a.m. to 5 p.m. except for state holidays. Comments will also be accepted via email at the email address provided under Item #5. Mailed written comments shall be postmarked within 30 days of this published notice.

An oral proceeding is scheduled on this proposed rulemaking.

Date: February 3, 2025

Time: 2:00 p.m.

Location: (meet.google.com/znw-aytb-hwd)

Nature: Public Hearing

Public comment period ends: February 3, 2025 at 5:00 p.m.

Close of record: February 3, 2025 at 5:00 p.m.

**12. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**

There are not other matters prescribed by statute applicable specifically to the Administration or this specific rulemaking.

**a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**

The rule does not require the issuance of a regulatory permit. Therefore, a general permit is not applicable.

**b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**

The rules are not more stringent than the federal law.

**c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:**

Not applicable.

**13. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:**

Not applicable.

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

**TITLE 9. HEALTH SERVICES**

**CHAPTER 22. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM - ADMINISTRATION**

**ARTICLE 20. BREAST AND CERVICAL CANCER TREATMENT PROGRAM**

**Section**

|             |                      |
|-------------|----------------------|
| R9-22-2002. | General Requirements |
| R9-22-2003  | Eligibility Criteria |
| R9-22-2004  | Treatment            |
| R9-22-2005  | Application Process  |

## ARTICLE 20. BREAST AND CERVICAL CANCER TREATMENT PROGRAM

### R9-22-2002. GENERAL REQUIREMENTS

- A. Confidentiality. The Administration shall maintain the confidentiality of a woman's records and shall not disclose a woman's financial, medical, or other confidential information except as allowed under R9-22-512.
- B. Covered services. A woman who is eligible under this Article receives all medically necessary services under Articles 2 and 12 of this Chapter.
- C. Choice of health plan. A woman who is eligible under this Article shall be enrolled with a contractor under Article 17 of this Chapter.
- D. ~~A Native American woman who receives services through Indian Health Service (IHS) or through a tribal health program qualifies for services provided under this Article if all eligibility requirements are met.~~
- E. ~~A woman qualified under this Article shall pay~~ be exempt from co-pays as described in R9-22-711(C)(9).

### R9-22-2003. ELIGIBILITY CRITERIA

- A. General. To be eligible under this Article, a woman shall meet the requirements of this Article and:
  - 1. Be screened for breast and cervical cancer through AZNBCCEDP;
  - 2. Be less than 65 years of age;
  - 3. Be ineligible for Title XIX under Articles 14 and 15 in this Chapter and under Chapter 28;
  - 4. Receive a positive screen under subsection (A)(1), a confirmed diagnosis through AZ-NBCCEDP, and need treatment for breast cancer or cervical cancer, including a precancerous cervical lesion, as specified in R9-22-2004;
  - 5. Not be covered under creditable coverage as specified in Section 2701(c) of the Public Health Services Act, 42 U.S.C. 300gg(c). For purposes of this Article, IHS or Tribal health coverage is not considered creditable coverage as specified in 42 U.S.C. 1396a(a)(10)(A)(ii), as amended by the Native American Breast and Cervical Cancer Treatment Technical Amendment Act of 2002; and
  - 6. Meet the requirements under ~~R9-22-1417 and R9-22-1418~~R9-22-305.
- B. Ineligible woman. A woman is ineligible under this Article if the woman:
  - 1. Is an inmate of a public institution and federal financial participation (FFP) is not available,
  - 2. Is at least age 21 but less than age 65 and resides in an Institution for Mental Disease (IMD) as defined in R922-112, except if allowed under the Administration's Section 1115 waiver, ~~or~~
  - 3. ~~No longer meets an eligibility requirement under this Article.~~
- C. Metastasized cancer. The AHCCCS ~~Chief Medical Officer~~Administration may continue a woman's eligibility under this Article if a metastasized cancer is found in another part of the woman's body and that metastasized cancer is a known or a presumed complication of the breast or cervical cancer as determined by the treating physician.
- D. Reoccurrence of cancer. ~~A woman shall have eligibility reestablished after eligibility under this Article ends if the woman is screened under the AZ-NBCCEDP program and additional breast cancer or cervical cancer, including a pre-cancerous cervical lesion, is found.~~ A woman's eligibility under this Article shall be reinstated if, after her initial eligibility ends, she undergoes screening through the AZ-NBCCEDP program and is diagnosed with breast cancer, cervical cancer, or a pre-cancerous cervical lesion.

- E. Ineligible male. A male is precluded from receiving screening and diagnostic services under the AZ-NBCCEDP program and is ineligible under this Article.

**R9-22-2004. TREATMENT**

- A. Breast cancer. Coverage for treatment for breast cancer under this Article shall conclude on the last provider visit for the specific treatment of the cancer or at the end of hormonal therapy for the cancer, whichever is later. For purposes of this subsection treatment means:
  - 1. Lumpectomy or surgical removal of breast cancer;
  - 2. Chemotherapy;
  - 3. Radiation therapy; and
  - 4. A treatment for breast cancer that, as determined by the AHCCCS ~~Chief Medical Officer~~ Administration, is considered the standard of care as supported by a peer-reviewed study published in a medical journal.
- B. Pre-cancerous cervical lesion. Coverage for treatment for a pre-cancerous cervical lesion under this Article, including moderate or severe cervical dysplasia or carcinoma in situ, shall conclude on the last provider visit for specific treatment for the pre-cancerous lesion. For purposes of this subsection treatment means:
  - 1. Conization;
  - 2. LEEP;
  - 3. Cryotherapy; and
  - 4. A treatment for pre-cancerous cervical lesion that, as determined by the AHCCCS ~~Chief Medical Officer~~ Administration, is considered the standard of care as supported by a peer-reviewed study published in a medical journal.
- C. Cervical cancer. Coverage for treatment for cervical cancer under this Article shall conclude on the last provider visit for the specific treatment for the cancer. For purposes of this subsection treatment means:
  - 1. Surgery;
  - 2. Radiation therapy;
  - 3. Chemotherapy; and
  - 4. A treatment for cervical cancer that, as determined by the AHCCCS ~~Chief Medical Officer~~ Administration, is considered the standard of care as supported by a peer-reviewed study published in a medical journal.

**R9-22-2005. APPLICATION PROCESS**

- A. Application. A woman may apply for eligibility under this Article by submitting a complete application ~~as specified in R9-22-1406~~.
- B. Submitting the application. The woman may complete and submit an application at the time of the AZ-NBCCEDP screening. The AZ-NBCCEDP staff may mail or fax the application directly to the Administration.
- C. Date of application. The date of the application is the date of the diagnostic procedure that results in a positive diagnosis for breast cancer or cervical cancer, including a pre-cancerous cervical lesion.
- D. Responsibility of a woman who is applying or who is a member. A woman who is applying or who is a member shall:
  - 1. Provide medical insurance information, including any changes in medical insurance; and
  - 2. Inform the Administration about a change in address, residence, and alienage status.