

NOTICE OF FINAL EXPEDITED RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 31. ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM - CHILDREN'S HEALTH INSURANCE PROGRAM

ARTICLE 11. CIVIL MONETARY PENALTIES AND ASSESSMENTS

PREAMBLE

**1. Article, Part, or Section Affected (as applicable)**

R9-31-1101

**Rulemaking Action**

Amend

**2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**

Authorizing statute: A.R.S. § 36-2918

Implementing statute: A.R.S. § 36-2957

**3. The effective date of the rule and the agency's reason it selected the effective date:**

Under A.R.S. § 41-1027(H), the rulemaking will be effective April 3, 2024 (*immediately upon filing with the Office of the Secretary of State*). According to A.R.S. § 41-1027(A)(7), AHCCCS requests an immediate effective date.

**4. Citations to all related notices published in the Register as specified in R1-1-409(A) that pertain to the record of the proposed rule:**

Notice of Rulemaking Docket Opening: 29 A.A.R. 3694, December 1, 2023

Notice of Proposed Rulemaking: 29 A.A.R. 3732, December 8, 2023

**5. The agency's contact person who can answer questions about the rulemaking:**

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**6. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, to include an explanation about the rulemaking:**

This rulemaking is submitted in response to the Five-Year Review Report approved on October 3, 2023, which is intended to clarify the current rules. The rule amendments are proposed to promulgate rules that are clear, concise, and understandable for members of the public. The proposed rules do not impose any additional burdens or costs to regulated persons, and failure to conduct this rulemaking will promote unnecessary utilization of resources, and the incurring of unnecessary costs. An expedited rulemaking is appropriate pursuant to A.R.S. § 41-1027(A)(3) and (7) because this rulemaking will clarify language without changing the rule's effect and will implement, without material change, a course of action that is proposed in a five-year review report approved by the council pursuant to § 41-1056 within one hundred eighty days of the date that the agency files the proposed expedited rulemaking with the secretary of state.

**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 summary of the economic, small business, and consumer impact:**

Under A.R.S. § 41-1055(D)(2), the Administration is not required to provide an economic, small business, and consumer impact statement.

**10. A description of any changes between the proposed rulemaking, including any supplemental proposed rulemaking, and the final rulemaking package (if applicable):**

Between the proposed expedited rulemaking and the final expedited rulemaking, no changes were made to the rulemaking.

**11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments, if applicable:**

Not applicable.

**12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include, but not be limited to:**

No other matters have been prescribed.

**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:**

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 rulemaking must be established consistent with 42 CFR § 1003.200. The rule is not more stringent than 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:**

No business competitiveness analysis was received by the Administration.

**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. Whether the rule was previously made, amended, repealed or renumbered as an emergency rule. If so, the agency shall state where the text changed between the emergency and the exempt rulemaking packages:**

The rule was not previously made as an emergency rule.

**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 11. CIVIL MONETARY PENALTIES AND ASSESSMENTS**

Section

R9-31-1101. Basis for Civil Monetary Penalties and Assessments for Fraudulent Claims

**R9-31-1101. Basis for Civil Monetary Penalties and Assessments for Fraudulent Claims**

AHCCCS shall use the provisions in 9 A.A.C. 22, Article 11 for the determination and collection of ~~penalties,~~  
~~assessments, and~~ penalties and assessments.