

**LEGISLATIVE SUMMARY SHEET**

**Tracking No.** 0084-17

**DATE:** February 27, 2017

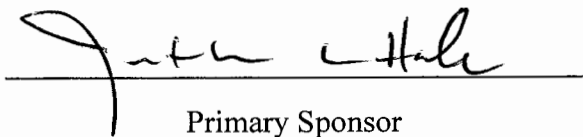
**TITLE OF RESOLUTION:** AN ACTION RELATING TO NAABIK'ÍYÁTI' COMMITTEE; SUPPORTING AND RECOMMENDING THE ARIZONA ADVISORY COUNCIL'S ON INDIAN HEALTH CARE AND INTER TRIBAL ASSOCIATION OF ARIZONA'S PROPOSED AMENDMENTS TO SECTION 1115 FOR MEDICARE AND MEDICAID SERVICES

**PURPOSE:** This resolution if approved support the proposed amendments to Section 1115 by the AACOIHC and ITAA.

**This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed legislation in detail.**

PROPOSED STANDING COMMITTEE RESOLUTION  
23<sup>RD</sup> NAVAJO NATION COUNCIL—Third Year, 2017

INTRODUCED BY



Primary Sponsor

TRACKING NO. 0084-17

AN ACT

RELATING TO NAABIK'ÍYÁTI' COMMITTEE; SUPPORTING AND  
RECOMMENDING THE ARIZONA ADVISORY COUNCIL'S ON INDIAN  
HEALTH CARE AND INTER TRIBAL ASSOCIATION OF ARIZONA'S  
PROPOSED AMENDMENTS TO SECTION 1115 FOR MEDICARE AND  
MEDICAID SERVICES

WHEREAS:

- A. The Navajo Nation established the Naabik'iyáti' Committee as a Navajo Nation Council standing committee and as such empowered Naabik'iyáti' Committee to assist and coordinate all requests for information, appearances and testimony relating to proposed county, state and federal legislation impacting the Navajo Nation. *See* 2 N.N.C. §§ 164 (A)(9), 701 (A)(4), 701(A)(6) (2015); CO-45-12.
- B. Statements of policy are written statements submitted to federal, state or local governments by a Navajo Nation official stating the official position of the Navajo Nation on proposed legislation or other action by that government. *See* 2 N.N.C. § 100 (W).
- C. On March 6, 2015, the State of Arizona Governor signed Senate Bill 1092 (S.B. 1092), sponsored by Senator Barto, is attached as **Exhibit A**.
- D. S.B. 1092 relates to the Arizona Health Care Cost Containment System (AHCCCS).

1 E. As amended by S.B. 1092, Section 36-2903.09 added, "On or before March 30 of each  
2 year, the Director shall apply to the Centers for Medicare and Medicaid Services for  
3 waivers or amendments to the current section 1115 waiver . . ."

4 F. In response the Arizona Advisory Council on Indian Health Care (AACOIHC) and Inter  
5 Tribal Association of Arizona (ITAA), made several recommendations to Section 1115  
6 prior to March 30, 2017 and is seeking a resolution in support of their proposed  
7 recommendations from the Navajo Nation.

8 G. The Navajo Nation supports the proposed amendments to Section 1115 by the  
9 AACOIHC and ITAA, attached as **Exhibit B**.

11  
12 **NOW THEREFORE, BE IT RESOLVED:**

13 A. The Navajo Nation hereby supports the proposed amendments to Section 1115 by the  
14 AACOIHC and ITAA, attached as **Exhibit B**.

15 B. The Navajo Nation hereby authorizes the Navajo Nation President, the Navajo Nation  
16 Speaker, the Navajo Nation Chief Justice and their designees, to support the proposed  
17 amendments to Section 1115 by the AACOIHC and ITAA.  
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REFERENCE TITLE: AHCCCS; annual waiver submittals.

State of Arizona  
Senate  
Fifty-second Legislature  
First Regular Session  
2015

## **SB 1092**

Introduced by  
Senator Barto

AN ACT

AMENDING TITLE 36, CHAPTER 29, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 36-2903.09; RELATING TO THE ARIZONA HEALTH CARE COST CONTAINMENT SYSTEM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Title 36, chapter 29, article 1, Arizona Revised Statutes,  
3 is amended by adding section 36-2903.09, to read:  
4 36-2903.09. Waivers; annual submittal; definitions  
5 A. ON OR BEFORE MARCH 30 OF EACH YEAR, THE DIRECTOR SHALL APPLY TO THE  
6 CENTERS FOR MEDICARE AND MEDICAID SERVICES FOR WAIVERS OR AMENDMENTS TO THE  
7 CURRENT SECTION 1115 WAIVER TO ALLOW THIS STATE TO:  
8 1. INSTITUTE A WORK REQUIREMENT FOR ALL ABLE-BODIED ADULTS RECEIVING  
9 SERVICES PURSUANT TO THIS ARTICLE. THE WORK REQUIREMENT SHALL:  
10 (a) REQUIRE AN ELIGIBLE PERSON TO EITHER:  
11 (i) BECOME EMPLOYED.  
12 (ii) ACTIVELY SEEK EMPLOYMENT, WHICH WOULD BE VERIFIED BY THE  
13 DEPARTMENT.  
14 (iii) ATTEND A JOB TRAINING PROGRAM.  
15 (b) REQUIRE AN ELIGIBLE PERSON TO VERIFY ON A MONTHLY BASIS COMPLIANCE  
16 WITH REQUIREMENTS OF SUBDIVISION (a) OF THIS PARAGRAPH AND ANY CHANGE IN  
17 FAMILY INCOME.  
18 (c) REQUIRE THE ADMINISTRATION TO CONFIRM AN ELIGIBLE PERSON'S CHANGE  
19 IN FAMILY INCOME AS REPORTED UNDER SUBDIVISION (b) OF THIS PARAGRAPH AND  
20 REDETERMINE THE PERSON'S ELIGIBILITY UNDER THIS ARTICLE.  
21 (d) ALLOW THE ADMINISTRATION TO BAN AN ELIGIBLE PERSON FROM ENROLLMENT  
22 FOR ONE YEAR IF THE ELIGIBLE PERSON FAILED TO REPORT A CHANGE IN FAMILY  
23 INCOME OR MADE A FALSE STATEMENT REGARDING COMPLIANCE WITH THE REQUIREMENTS  
24 OF SUBDIVISION (a) OF THIS PARAGRAPH.  
25 (e) ALLOW FOR AN EXEMPTION IF A PERSON MEETS ANY OF THE FOLLOWING  
26 CONDITIONS:  
27 (i) IS AT LEAST EIGHTEEN YEARS OF AGE BUT IS STILL ATTENDING HIGH  
28 SCHOOL AS A FULL-TIME STUDENT.  
29 (ii) IS THE SOLE CAREGIVER OF A FAMILY MEMBER WHO IS UNDER FIVE YEARS  
30 OF AGE.  
31 (iii) IS CURRENTLY RECEIVING TEMPORARY OR PERMANENT LONG-TERM  
32 DISABILITY BENEFITS FROM A PRIVATE INSURER OR FROM THE GOVERNMENT.  
33 2. PLACE ON ABLE-BODIED ADULTS A LIFETIME LIMIT OF FIVE YEARS OF  
34 BENEFITS UNDER THIS ARTICLE UNLESS THE PERSON MEETS ANY OF THE FOLLOWING  
35 CONDITIONS:  
36 (a) IS PREGNANT.  
37 (b) IS THE SOLE CAREGIVER OF A FAMILY MEMBER WHO IS UNDER FIVE YEARS  
38 OF AGE.  
39 (c) IS CURRENTLY RECEIVING TEMPORARY OR PERMANENT LONG-TERM DISABILITY  
40 BENEFITS FROM A PRIVATE INSURER OR FROM THE GOVERNMENT.  
41 (d) IS AT LEAST EIGHTEEN YEARS OF AGE BUT IS STILL ATTENDING HIGH  
42 SCHOOL AS A FULL-TIME STUDENT.  
43 (e) IS EMPLOYED FULL TIME BUT CONTINUES TO MEET THE INCOME ELIGIBILITY  
44 REQUIREMENTS UNDER THIS ARTICLE.  
45 3. DEVELOP AND IMPOSE MEANINGFUL COPAYMENTS TO DETER BOTH:

- 1           (a) THE NONEMERGENCY USE OF EMERGENCY DEPARTMENTS.
- 2           (b) THE USE OF AMBULANCE SERVICES FOR NONEMERGENCY TRANSPORTATION OR
- 3 WHEN IT IS NOT MEDICALLY NECESSARY.
- 4           B. ON OR BEFORE APRIL 1 OF EACH YEAR, THE DIRECTOR SHALL SUBMIT A
- 5 LETTER CONFIRMING THE SUBMISSION OF THE WAIVER REQUESTS REQUIRED UNDER
- 6 SUBSECTION A OF THIS SECTION TO THE GOVERNOR, THE PRESIDENT OF THE SENATE AND
- 7 THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.
- 8           C. FOR THE PURPOSES OF THIS SECTION:
- 9           1. "ABLE-BODIED" MEANS AN INDIVIDUAL WHO IS PHYSICALLY AND MENTALLY
- 10 CAPABLE OF WORKING.
- 11           2. "ADULT" MEANS AN INDIVIDUAL WHO IS AT LEAST EIGHTEEN YEARS OF AGE.



## ITAA/AACOIHC SUGGESTED AMENDMENTS

### 36-2903.09. Waivers; annual submittal; definitions

A. On or before March 30 of each year, the director shall apply to the centers for medicare and medicaid services for waivers or amendments to the current section 1115 waiver to allow this state to:

1. Institute a work requirement for all able-bodied adults receiving services pursuant to this article. The work requirement shall:

(a) Require an eligible person to either:

(i) Become employed.

(ii) Actively seek employment, which would be verified by the department.

(iii) Attend school or a job training program, or both, at least twenty hours per week.

(b) Require an eligible person to verify on a monthly basis compliance with requirements of subdivision (a) of this paragraph and any change in family income.

(c) Require the administration to confirm an eligible person's change in family income as reported under subdivision (b) of this paragraph and redetermine the person's eligibility under this article.

(d) Allow the administration to ban an eligible person from enrollment for one year if the eligible person knowingly failed to report a change in family income or made a false statement regarding compliance with the requirements of subdivision (a) of this paragraph.

(e) Allow for an exemption if a person meets any of the following conditions:

(i) Is at least nineteen years of age but is still attending high school as a full-time student.

(ii) Is the sole caregiver of a family member who is under six years of age.

(iii) Is currently receiving temporary or permanent long-term disability benefits from a private insurer or from the government.

(iv) Has been determined to be physically or mentally unfit for employment by a health care professional in accordance with rules adopted by the administration.

(v) IS SERVED BY THE INDIAN HEALTH SERVICE, A TRIBAL OR URBAN INDIAN HEALTH CARE PROGRAM PURSUANT TO THE INDIAN HEALTH CARE IMPROVEMENT ACT (25 USC TITLE 25 CHAPTER 18).

2. Place on able-bodied adults a lifetime limit of five years of benefits under this article that begins on the effective date of the waiver or amendment to the current section 1115 waiver and does not include any previous time a person received benefits under this article. The lifetime limit under this paragraph does not include any time during which the person meets any of the following conditions:

- (a) Is pregnant.
- (b) Is the sole caregiver of a family member who is under six years of age.
- (c) Is currently receiving temporary or permanent long-term disability benefits from a private insurer or from the government.
- (d) Is at least nineteen years of age but is still attending high school as a full-time student.
- (e) Is employed full time but continues to meet the income eligibility requirements under this article.
- (f) Is enrolled before reaching nineteen years of age.
- (g) Is an eligible person as defined in section 36-2901, paragraph 6, subdivision (a), item (iii).
- (h) IS UNDER TWENTY-SIX YEARS OF AGE AND WHO WAS IN TRIBAL FOSTER CARE WHEN THE PERSON BECAME EIGHTEEN YEARS OF AGE PURSUANT TO USC TITLE 42 USC 180001 (SEC 2004) .
- (i) IS SERVED BY THE INDIAN HEALTH SERVICE, A TRIBAL OR URBAN INDIAN HEALTH CARE PROGRAM PURSUANT TO THE INDIAN HEALTH CARE IMPROVEMENT ACT (USC TITLE 25 CHAPTER 18).

3. Develop and impose meaningful cost-sharing requirements to deter both:

- (a) The nonemergency use of emergency departments.
- (b) The use of ambulance services for nonemergency transportation or when it is not medically necessary.
- (c) AMERICAN INDIANS ENROLLED IN MEDICAID IN ARIZONA EXEMPTED FROM COST SHARING REQUIREMENTS PURSUANT TO USC TITLE 25 CHAPTER 18 AND TITLE 42 USC 180001 (SEC. 1402, SEC. 1415, SEC. 3309).

B. In any year, the director shall apply under subsection A of this section for only the waivers or amendments to the current section 1115 waiver that have not been approved and are not in effect.



C. On or before April 1 of each year, the director shall submit a letter confirming the submission of the waiver requests required under subsection A of this section to the governor, the president of the senate and the speaker of the house of representatives.

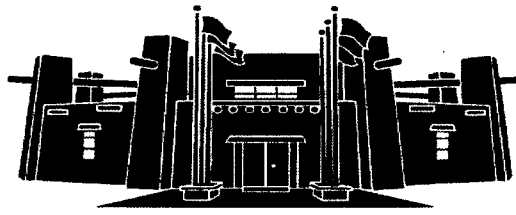
D. For the purposes of this section:

1. "Able-bodied" means an individual who is physically and mentally capable of working.
2. "Adult" means an individual who is at least nineteen years of age.

ITAA

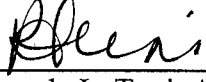
A.Montiel edits

1.23.17



**MEMORANDUM**

**TO:** Hon. Jonathan Hale  
23<sup>rd</sup> Navajo Nation Council

**FROM:**   
Rhonda L. Tuni, Attorney  
Office of Legislative Counsel

**DATE:** February 27, 2017

**SUBJECT:** AN ACTION RELATING TO NAABIK'ÍYÁTI' COMMITTEE;  
SUPPORTING AND RECOMMENDING THE ARIZONA ADVISORY  
COUNCIL'S ON INDIAN HEALTH CARE AND INTER TRIBAL  
ASSOCIATION OF ARIZONA'S PROPOSED AMENDMENTS TO  
SECTION 1115 FOR MEDICARE AND MEDICAID SERVICES

Pursuant to your request, attached is the above-referenced proposed resolution and associated legislative summary sheet. Based on existing law the resolution as drafted is legally sufficient. However, as with all legislation, it is subject to review by the courts in the event of a challenge.

The Office of Legislative Council confirms the appropriate standing committee(s) reviews based on the standing committees powers outlined in 2 N.N.C. §§ 301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. § 164(A)(5).

**Please review the proposed resolution to ensure it is drafted to your satisfaction.** If this proposed resolution is acceptable to you, please sign it where it indicates "Prime Sponsor", and submit it to the Office of Legislative Services for the assignment of a tracking number and referral to the Speaker.

If the proposed resolution is unacceptable to you, or if you have further questions, please contact me at the Office of Legislative Counsel and advise me of changes you would like made to the proposed resolution. You may contact me at (928) 871-7166. Thank you.

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0084-17\_\_

SPONSOR: Jonathan L. Hale

**TITLE: An Action Relating To NAABIK'IYATI' Committee; Supporting And  
Recommending The Arizona Advisory Council's On Indian Health Care And  
Inter Tribal Association Of Arizona's Proposed Amendments To Section  
1115 For Medicare And Medicaid Services**

*Date posted:* March 1, 2017 at 3:41 PM

Digital comments may be e-mailed [to comments@navajo-nsn.gov](mailto:comments@navajo-nsn.gov)

Written comments may be mailed to:

Executive Director  
Office of Legislative Services  
P.O. Box 3390  
Window Rock, AZ 86515  
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

**Please note:** This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

**THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW SUMMARY**

**LEGISLATION NO.:** 0084- 17

**SPONSOR:** Honorable Jonathan L. Hale

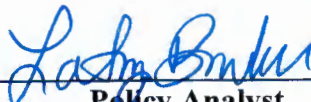
**TITLE: An Action Relating To NAABIK'IYATI' Committee; Supporting And Recommending The Arizona Advisory Council's On Indian Health Care And Inter Tribal Association Of Arizona's Proposed Amendments To Section 1115 For Medicare And Medicaid Services**

**Posted:** March 1, 2017 at 3:41 PM

**5 DAY Comment Period Ended:** March 6, 2017

**Digital Comments received:**

<b>Comments Supporting</b>	<i>1. Geri Kee- Yazzie 2. Sonny Clark – Board Member (Fort Defiance Indian Hospital) 3. Oscencio Tom</i>
<b>Comments Opposing</b>	<i>None</i>
<b>Inclusive Comments</b>	<i>None</i>

  
\_\_\_\_\_  
**Policy Analyst  
Office of Legislative Services**

3/7/17 8:05am  
\_\_\_\_\_  
**Date/Time**

# Legislation 0084-17 - Comments

Geri Kee <gkee\_1@yahoo.com>

Sun 3/5/2017 1:32 PM

To: comments <comments@navajo-nsn.gov>;

To Council Delegates,

As a member of the Navajo Nation and a member of the Fort Defiance Indian Hospital Board, I stand in support of Chairman Johnathan Hale's legislation 0084-17.

Regards,

Geri Kee-Yazzie

# Legislation 0084-17

Sonny Clark <sonnyclark750@yahoo.com>

Sat 3/4/2017 5:04 PM

To: comments <comments@navajo-nsn.gov>;

As a member of the Navajo Nation I support our Nation's effort opposing the inclusion of American Indians/Alaska Natives in the Section 1115 Amendment to SB1092.

Further, I also support the mandate that AHCCCS meet with Navajo officials in the future any time legislation that affects American Indian tribes is considered.

Sonny Clark,  
Board Member, Fort Defiance Indian Hospital  
(Tsehootsooi Medical Center)

Sent from Yahoo Mail for iPhone

# Legislation 0084-17

Oscencio Tom <oscencio@gmail.com>

Sat 3/4/2017 11:48 AM

To: comments <comments@navajo-nsn.gov>;

To whom it pertains-

As a voting member of the Navajo Tribe, I am writing in support of Legislation 0084-17 that:

- Opposes the inclusion of Navajos in the recent Section 1115 Amendment proposed by AHCCCS to AZ Senate Bill 1092.
- Will mandate AHCCCS meet with Navajo elected officials to discuss any legislation that affects the Navajo population.

I am the President of the Fort Defiance Indian Health Board, Inc. that governs Tsehootsoi Medical Center. The recent proposed amendments by AHCCCS will greatly affect (negatively) the population we serve on the Navajo reservation.

The desire to work is not absent from our Navajo people. however the number of jobs to pursue in this region are very few. Navajo people are continuously placed on the backburner of federal and state policies that a basic infrastructure (i.e. roads, internet connection, street addresses, etc). places the Navajo population at a further disadvantage in meeting job-seeking mandates and reporting requirements.

Thank you for your consideration and efforts to place Navajo people first.

If you have any questions, please feel free to contact me. Thank you.

-Oscencio Tom



505-738-9362

[oscencio@gmail.com](mailto:oscencio@gmail.com)