

REFERENCE TITLE: AHCCCS; proof of citizenship

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SB 1072

Introduced by
Senator Harper; Representative Pearce; Senators Burns, Huppenthal

AN ACT

AMENDING SECTION 36-2903.03, ARIZONA REVISED STATUTES; 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. Section 36-2903.03, Arizona Revised Statutes, is amended to
3 read:

4 36-2903.03. United States citizenship and qualified alien
5 requirements for eligibility; verification and
6 reporting requirements; violation;
7 classification; report; definition

8 A. A person who is applying for eligibility under this chapter shall
9 provide verification of United States citizenship or documented verification
10 of qualified alien status. Beginning July 1, 2006, an applicant who is
11 applying for services pursuant to this chapter shall provide satisfactory
12 documentary evidence of citizenship or qualified alien status as required by
13 the federal deficit reduction act of 2005 (P.L. 109-171; 120 STAT. 4; 42
14 United States Code section 1396b) or any other applicable federal law or
15 regulation. AN ADMINISTRATION EMPLOYEE MUST MAKE A WRITTEN REPORT TO FEDERAL
16 IMMIGRATION AUTHORITIES IF THE EMPLOYEE DISCOVERS ANY VIOLATION OF FEDERAL
17 IMMIGRATION LAW BY ANY APPLICANT FOR ELIGIBILITY UNDER THIS CHAPTER. THE
18 ADMINISTRATION SHALL NOT ACCEPT ANY IDENTIFICATION CARD ISSUED BY THIS STATE
19 OR ANY POLITICAL SUBDIVISION OF THIS STATE, INCLUDING A DRIVER LICENSE, TO
20 ESTABLISH IDENTITY OR DETERMINE ELIGIBILITY UNLESS THE ISSUING AUTHORITY HAS
21 VERIFIED THE IMMIGRATION STATUS OF THE APPLICANT. AN EMPLOYEE WHO FAILS TO
22 REPORT DISCOVERED VIOLATIONS OF FEDERAL IMMIGRATION LAW IS GUILTY OF A CLASS
23 2 MISDEMEANOR. IF THAT EMPLOYEE'S SUPERVISOR KNEW OF THE FAILURE TO REPORT
24 AND FAILED TO DIRECT THE EMPLOYEE TO MAKE THE REPORT, THE SUPERVISOR IS
25 GUILTY OF A CLASS 2 MISDEMEANOR. THIS SUBSECTION SHALL BE ENFORCED WITHOUT
26 REGARD TO RACE, RELIGION, GENDER, ETHNICITY OR NATIONAL ORIGIN. ANY PERSON
27 WHO IS A RESIDENT OF THIS STATE HAS STANDING IN ANY COURT OF RECORD TO BRING
28 SUIT AGAINST THE ADMINISTRATION TO REMEDY ANY VIOLATION OF THIS SUBSECTION,
29 INCLUDING AN ACTION FOR MANDAMUS. COURTS SHALL GIVE PREFERENCE TO ACTIONS
30 BROUGHT UNDER THIS SUBSECTION OVER OTHER CIVIL ACTIONS OR PROCEEDINGS PENDING
31 IN THE COURT.

32 B. A qualified alien may apply for eligibility pursuant to section
33 36-2901, paragraph 6, subdivision (a) and, if otherwise eligible for title
34 XIX, may receive all services pursuant to section 36-2907 if the qualified
35 alien meets at least one of the following requirements:

- 36 1. Is designated as one of the exception groups under 8 United States
37 Code section 1613(b).
- 38 2. Has been a qualified alien for at least five years.
- 39 3. Has been continuously present in the United States since August 21,
40 1996.

41 C. Notwithstanding any other law, persons who were residing in the
42 United States under color of law on or before August 21, 1996, and who were
43 receiving services under this article based on eligibility criteria
44 established under the supplemental security income program, may apply for
45 state funded services and, if otherwise eligible for supplemental security

1 income-medical assistance only coverage except for United States citizenship
2 or qualified alien requirements, may be enrolled with the system and receive
3 all services pursuant to section 36-2907.

4 D. A person who is a qualified alien who does not meet the
5 requirements of subsection B of this section or who is a noncitizen who does
6 not claim and provide verification of qualified alien status may apply for
7 title XIX eligibility under section 36-2901, paragraph 6, subdivision (a)
8 and, if otherwise eligible for title XIX, may receive only emergency services
9 pursuant to section 1903(v) of the social security act.

10 E. In determining the eligibility for all qualified aliens pursuant to
11 this chapter, the income and resources of any person who executed an
12 affidavit of support pursuant to section 213A of the immigration and
13 nationality act on behalf of the qualified alien and the income and resources
14 of the spouse, if any, of the sponsoring individual shall be counted at the
15 time of application and for the redetermination of eligibility for the
16 duration of the attribution period as specified in federal law.

17 F. A person who is a qualified alien or a noncitizen and who is not
18 eligible for title XIX may receive only emergency services [AS DEFINED IN THE
19 EMERGENCY MEDICAL TREATMENT AND ACTIVE LABOR ACT \(42 UNITED STATES CODE
20 SECTION 1395dd\)](#).

21 G. Beginning October 1, 2007, the administration shall submit a
22 quarterly report to the governor, the president of the senate, the speaker of
23 the house of representatives and the staff director of the joint legislative
24 budget committee that includes the following information:

25 1. The number of individuals for whom the administration verified
26 immigration status using the systematic alien verification for entitlements
27 program administered by the United States citizenship and immigration
28 services.

29 2. The number of documents that were discovered to be fraudulent by
30 using the systematic alien verification for entitlements program.

31 3. A list of the types of fraudulent documents discovered.

32 4. The number of citizens of the United States who were referred by
33 the administration for prosecution pursuant to violations of state or federal
34 law and the number of individuals referred by the administration for
35 prosecution who were not citizens.

36 H. The administration shall provide copies of the report to the
37 secretary of state and the director of the Arizona state library, archives
38 and public records.

39 I. For purposes of this section, "qualified alien" means an individual
40 who is one of the following:

41 1. Defined as a qualified alien under 8 United States Code section
42 1641.

43 2. Defined as a qualified alien by the attorney general of the United
44 States under the authority of Public Law 104-208, section 501.

45 3. An Indian described in 8 United States Code section 1612(b)(2)(e).