



# Board of Supervisors Memorandum

February 18, 2025

## Amendments to Pima County Code, Chapter 4 Relating to Indigent Health Care

### Background

On February 2, 2021, the Board of Supervisors, by a vote of 4 to 1, directed Pima County staff to return to the Board of Supervisors with a Code Text Amendment Ordinance to replace the phrase "citizen or an alien" where it appears in the Pima County Code, replacing it with the word "person."

Pima County Code Chapter 4 – INDIGENT HEALTH CARE includes two sections that use the word "alien." It is proposed that 4.01.010 W Definitions be amended by deleting the word "alien" and replacing it with the word "PERSON." It is further proposed that 4.01.060 C Disposition of application be amended by deleting the word "aliens" and replacing it with the word "PERSONS."

### Recommendation

I recommend that the Board of Supervisors amend Pima County Code Chapter 4 by replacing the word "alien" in 4.01.010 W with the word "PERSON" and replacing the word "aliens" with the word "PERSONS" in 4.01.060 C.

Sincerely,

A handwritten signature in black ink, appearing to read "Jan Leshner", is written over the word "Sincerely,".

Jan Leshner  
County Administrator

JKL/dym – January 23, 2025

### Attachments

c: Carmine DeBonis, Jr., Deputy County Administrator  
Steve Holmes, Deputy County Administrator

# LEGISLATIVE

ORDINANCE 2025 - \_\_\_\_

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA, RELATING TO INDIGENT HEALTH CARE; AMENDING THE PIMA COUNTY CODE, CHAPTER 4.**

**THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA FINDS THAT:**

1. The Board of Supervisors of Pima County, Arizona has authority to amend the definition of indigent individuals eligible to receive health care provided by Pima County.
2. It is in the public interest to replace the phrase 'citizen or an alien' with the word "person" and to replace the word 'aliens' with "persons" to more accurately describe undocumented individuals or noncitizens residing in Pima County.

**BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF PIMA COUNTY, ARIZONA:**

**SECTION 1.** Pima County Code Section 4.01.010 W is amended by replacing the word alien with the word persons, as follows:

**4.01.010 Definitions.**

For purposes of this chapter, the following definitions shall apply:

W. "U.S. legal status" means a ~~citizen or an alien~~ **PERSON** qualified pursuant to 42 CFR 435.406(a).

**SECTION 2.** Pima County Code Section 4.01.060 C is amended by replacing the word alien with the word persons, as follows:

**4.01.060 Disposition of application.**

C. When all eligibility requirements have been met, the applicant will be approved for covered county medical services so long as those services are not available through another source. Eligibility shall be for a period of six months from the date of determination and may be approved up to a period of one year. Eligible resident undocumented ~~aliens~~ **PERSONS** may be eligible for emergency services only for a period of time as defined by the AHCCCS Administration. The following information will be given in writing to an applicant determined eligible:

**SECTION 3.** The Ordinance is effective 30 days after the date of adoption.

**PASSED AND ADOPTED** by the Board of Supervisors Pima County, Arizona, this 18th day of February, 2025.

\_\_\_\_\_  
Chair, Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk of the Board

**APPROVED AS TO FORM:**



\_\_\_\_\_  
Deputy County Attorney

**CLEAN**

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# LEGISLATIVE

PIMA COUNTY CODE TITLE 4.  
INDIGENT HEALTH CARE

CHAPTER 4.01  
INDIGENT MEDICAL CARE

**4.01.010 DEFINITIONS**



**Pima County Code Title 4. INDIGENT HEALTH CARE**  
**Chapter 4.01 INDIGENT MEDICAL CARE**

**4.01.010 Definitions.**

For purposes of this chapter, the following definitions shall apply:

- A. "AHCCCS" means Arizona Health Care Cost Containment System.
- B. "AHCCCS Rules" means administrative rules promulgated by the AHCCCS Director pursuant to legislative directive and occurring in the Arizona Administrative Code (A.A.C.) at R9-22-101, et seq.
- C. "ALTCS" means Arizona Long Term Care System.
- D. "Applicant" means a person or household completing an application for county subsidized medical care.
- E. "Application" means a statement made under oath by an applicant or his/her duly appointed representative for purposes of qualifying for medical care under A.R.S. 11-297 and 11-293.
- F. "Application form" means a form(s) prescribed by the Pima County department of medical assistance for the determination of eligibility for county subsidized medical care.
- G. "A.R.S." means Arizona Revised Statutes.
- H. "Authorized representative" means a person legally authorized by an individual to act in his/her behalf for purposes of executing a complete and true application for eligibility, or for purposes of representation in an appeal hearing.
- I. "Average annual income" means that which is calculated by multiplying by four the income for the three months prior to application (A.R.S. 11-291.01).
- J. "Categorically eligible" means any public welfare recipient (Aid to Families with Dependent Children, Supplemental Security Income) and any foster home child whose care is paid for from state or federal funds, whose membership in this category makes him/her automatically eligible for medical care.
- K. "Confidentiality" mean the principle which requires the department of medical assistance to protect all information accumulated concerning an applicant and his/her eligibility application.

L. "Denial" means formal disapproval of an application for eligibility for county subsidized medical services.

M. "Department" means the Pima County department of medical assistance.

N. "Eligibility interviewer" means a person designated and authorized to perform the eligibility function for the department.

O. "Eligibility manual" means the written manual prepared by the director of the department of medical assistance.

P. "General care services" means services provided for a patient other than long-term care services.

Q. "Income" means the gross amount of all consideration received by an applicant or a household regardless of source or form, less estimated federal tax, state tax and FICA. Loans with a legal, written obligation for repayment, portion of grants and scholarships awarded and expended for payment of education expenses, and if self-employed, the cost of wages (except wages paid to self and household members), business supplies and materials actually expended shall not be included in income.

R. "Long-term care services" means nursing care institution services, supervisory care services and adult foster care services.

S. "Net average annual income" means that which is calculated from the gross amount of all consideration received by an applicant or a household regardless of source or form, less federal tax, state tax and FICA. Net annual income is computed by multiplying by four the income is computed by multiplying by four the income for the three months immediately prior to the application date. Loans with a legal obligation (as defined by the AHCCCS Administration) for repayment, portion of grants and scholarships awarded and expended for payment of educational expenses, and, if self-employed, the cost of wages (except wages paid to self and household members), business supplies and materials actually expended shall not be included in income. Valid medical expenses and materials actually expended shall not be included in income. Valid medical expenses incurred within the past twelve months from the date of the application decision, for which the applicant is responsible, shall be deducted from income.

T. "Redetermination" means a reevaluation of eligibility. Cases which will normally result in an applicant's reevaluation include eligibility expirations, verification disagreements, contested information.

U. "Resident" means a person who has established a domicile and is physically present in Pima County and who can establish by a preponderance of credible evidence that he/she intends to remain in Pima County for an indefinite period of time.

V. "Right of appeal/right of redetermination" means an applicant's right to request a redetermination of eligibility.

W. "U.S. legal status" means a citizen or ~~an alien-undocumented~~ **PERSONS** qualified pursuant to 42 CFR 435.406(a).

X. "Withdrawal" means the voluntary cancellation of an application by written or oral request from the applicant.

(Ord. 1993-95 § 1 (part), 1993: Ord. 1991-2 § 1 (part), 1991)

PIMA COUNTY CODE TITLE 4.  
INDIGENT HEALTH CARE

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# LEGISLATIVE

PIMA COUNTY CODE TITLE 4. INDIGENT  
HEALTH CARE

CHAPTER 4.01  
INDIGENT MEDICAL CARE

**4.01.060 DISPOSITION OF APPLICATION**

Pima County Code Title 4. INDIGENT HEALTH CARE  
Chapter 4.01 INDIGENT MEDICAL CARE

**4.01.060      Disposition of Application**

- A. Eligibility determination will be made within thirty days of application, unless a thirty-day extension is agreed upon in writing by the head of household.
- B. Eligibility will be denied on all applications which are not completed within thirty days, unless a thirty-day extension is agreed upon in writing by the head of household.
- C. When all eligibility requirements have been met, the applicant will be approved for covered county medical services so long as those services are not available through another source. Eligibility shall be for a period of six months from the date of determination and may be approved up to a period of one year. Eligible resident undocumented ~~aliens~~ **PERSONS** may be eligible for emergency services only for a period of time as defined by the AHCCCS Administration. The following information will be given in writing to an applicant determined eligible:
1. Effective date of eligibility;
  2. Expiration date of eligibility;
  3. Restrictions on eligibility;
  4. The right of appeal.
- D. When one or more criteria for eligibility is not met, eligibility for county-subsidized medical care will be denied. In cases of eligibility denial, the following written information shall be given to the applicant:
1. Reason(s) for denial, citing the basis for the denial;
  2. Right to appeal this decision and how to appeal the denial.
- E. An applicant may withdraw his/her eligibility application at any time.
1. A written voluntary withdrawal of application constitutes forfeiture of right to appeal on that application.
  2. A verbal voluntary withdrawal of application will be accepted. Appeal rights will be granted in the case of a verbal withdrawal.
- F. All eligibility applications, whether complete, incomplete or withdrawn, shall become the property of the department, regardless of the subsequent eligibility determination.
- (Ord. 1993-95 § 1 (part), 1993: Ord. 1991-2 § 1 (part), 1991)



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