

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
SPECIAL ACCESS TO RECORDS AND) Administrative Order
INFORMATION CONCERNING) No. 2005- 37
DEPENDENT AND DELINQUENT)
MINORS)
_____)

Governor Janet Napolitano, on behalf of the State of Arizona, has entered into contract AD040501-A5-2 with EP&P Consulting. The term of that contract is from June 1, 2004 to May 31, 2006. This contract is part of the Governor's Efficiency Review Initiative. EP&P is on a list of qualified contractors available to state agencies to determine if opportunities exist to increase federal reimbursement as a result of past or current expenditure of public funds, as well as identify areas of cost avoidance. EP&P is currently providing services under the Revenue Maximization Project Task Order issued by the Office of the Governor, November 29, 2004. In order to perform its duties as lead coordinating agency for Title XIX funding, under this task order, Arizona Health Care Cost Containment System (AHCCCS) has requested that the Court provide access to records of juveniles that are in large part confidential under Rule 123, Rules of the Supreme Court and other state and federal statutes and regulations.

To the extent of the Court's authority over records pertaining to juveniles receiving services under contract with the Court, the Court desires to provide AHCCCS the opportunity to review records regarding juveniles maintained by the Administrative Office of the Courts (AOC) and by juvenile treatment services providers under contract with the AOC. This review is necessary to proceed with the project of assessing the eligibility for federal reimbursement for services subject to agreement between AOC and AHCCCS regarding the time, place, manner, use, disposition, cost and any other matter deemed necessary by the parties.

Now therefore, pursuant to the Supreme Court's administrative supervisory authority (Arizona Constitution, Article 6, Section 3) and rule-making authority (Arizona Constitution, Article 6, Section 5) over all of the courts of the state,

IT IS ORDERED that the AOC, to the extent of the Court's authority over records pertaining to juveniles receiving services under contract with the Court, is authorized to permit AHCCCS the opportunity to review records regarding juveniles that are maintained by the AOC and/or juvenile treatment services providers under contract with the AOC.

IT IS FURTHER ORDERED that all confidential records and information provided under this Administrative Order shall be maintained by AHCCCS as confidential in strict compliance with all applicable confidentiality requirements including Rule 123, Rules of the Supreme Court, state and federal statutes and the Administrative Simplification Requirements of the Health Insurance Portability and Accountability Act of 1996 (HIPPA) set forth in Title 45, Parts 160 and 164 of the Code of Federal Regulations (CFR) as applicable. AHCCCS shall use the records only to review for medical necessity and determine collective percentage figures, which will then be transmitted to EP&P Consulting as part of the contract AD040501-A5-2 and the Project Task Order thereunder.

IT IS FURTHER ORDERED that this authorization for review of records is subject to the AOC and AHCCCS reaching agreement regarding the time, place, manner, use, disposition, cost and any other matter deemed necessary by either party in conducting such review.

Dated this 23rd day of June, 2005.

Ruth V. McGregor
Chief Justice