

## ADHS/DBHS Guidelines to the RBHAs and Providers for Reporting Requirements in A.R.S. § 1-502.



Arizona law requires the Arizona Department of Health Services/Division of Behavioral Health Services' (ADHS/DBHS) employees and agents to report discovered violations of immigration status as set forth in [A.R.S. § 1-502](#). Failure to report a discovered violation is a class 2 misdemeanor. Employees of the Regional Behavioral Health Authorities (RBHAs) and employees of RBHA sub-contracted providers are considered agents of ADHS/DBHS, and therefore, must report discovered violations to ADHS/DBHS. ADHS/DBHS is responsible to submit the reports to the U.S. Immigration and Customs Enforcement (ICE) agency.

### Guidelines for Identification of Violations

- RBHAs/RBHA providers shall refrain from conduct or actions that could be considered discriminatory behavior. It is unlawful and discriminatory to deny persons behavioral health services, exclude persons from participation in those services, or otherwise discriminate against any person based on grounds of race, color or national origin.
- RBHA/ RBHA providers shall not use any information obtained about a person's citizenship or lawful presence for any purpose other than to provide a person with behavioral health services.
- Factors that shall **NOT** be considered when identifying a potential violation:
  - The person's primary language is a language other than English;
  - The person was not born in the United States;
  - The person does not have a Social Security number;
  - The person has a "foreign sounding" name;
  - The person cannot provide documentation of citizenship or lawful presence;
  - The person is identified by others as a non-citizen; and
  - The person has been denied AHCCCS eligibility for lack of proof of citizenship or lawful presence
- If a person applying for behavioral health services, in the course of completing the application process or while conducting business with the RBHA/RBHA provider, **voluntarily reveals** that he or she is not lawfully present in the United States than and only then shall the RBHA/RBHA provider consider it to be a reportable violation.
- RBHAs/RBHA providers shall not require documentation of citizenship or lawful presence from persons who are not personally applying for behavioral health services, but who are acting on behalf of or assisting the applicant (for example, a parent applying on behalf of a child).
- It is **not** the responsibility of the RBHA to verify validity of the submitted documents. Documents must be copied for files and submitted, as requested, to the appropriate agency, as instructed through Health-e-Arizona (see, [ADHS/DBHS Guidelines to RBHAs and Providers for Verifying United States Citizenship or Lawful Presence of Applicants](#)).

- The criteria for screening and applying for AHCCCS eligibility are not changed by these reporting requirements. Further, the documentation requirements for verifying or establishing citizenship or lawful presence are not changed by this process (see, [ADHS/DBHS Guidelines to RBHAs and Providers for Verifying United States Citizenship or Lawful Presence of Applicants](#)).
- RBHAs/RBHA providers shall use good judgment when identifying and reporting violations. If you are unsure what to do, email the ADHS/DBHS Corporate Compliance Officer at [ARS1502@azdhs.gov](mailto:ARS1502@azdhs.gov).

### **Reporting process**

The RBHA/RBHA provider who identifies a violation shall submit a report to ADHS/DBHS via secure email to ADHS/DBHS Corporate Compliance at [ARS1502@azdhs.gov](mailto:ARS1502@azdhs.gov), that contains the following information:

- First and Last Name of identified individual;
- Residential Address/Street Address of identified individual, including city, state, and zip code;
- Reason for Referral

### **Documentation Expectations**

The RBHA/RBHA provider shall document in the person's behavioral health medical record (if a provider) or in the Corporate Compliance Office (if a RBHA) the following:

- Reason for making a report, including how the information was obtained and whether it was an oral or written declaration;
- The date the report was submitted to ADHS/DBHS;
- Any actions taken as a result of the report;
- A copy of the email to ADHS/DBHS that contains the report.