

CERTIFIED COPY

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6/26/08 8:30 Am
MICHAEL K. JEANES, Clerk
By A. Marquis
A. Marquis, Deputy

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5 **IN THE SUPERIOR COURT FOR THE STATE OF ARIZONA**

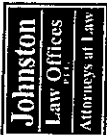
6 **IN AND FOR THE COUNTY OF MARICOPA**

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8 ARIZONA HEALTH CARE COST)
9 CONTAINMENT SYSTEM) No. CV2008-013347
10 ADMINISTRATION, a State agency;)
11 v.)
12 MARICOPA INTEGRATED) **ORDER**
13 HEALTH SYSTEM, an Arizona)
14 Special Health Care District, and)
15 BETSEY BAYLESS, in her official)
16 Capacity as Chief Executive Officer)
Of the Maricopa Integrated Health)
System,)
Defendants.)

17 Pursuant to stipulation of the parties and good cause appearing therefore,
18 IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

19 1. Defendant Maricopa Integrated Health System ("the District") shall
20 provide to Plaintiff Arizona Health Care Cost Containment System
21 Administration, ("AHCCCS"), on or before 12:00 P.M. June 26, 2008, a certified
22 public expense form, using the form attached hereto as Exhibit A stating that the
23 amount of qualifying disproportionate share hospital expenditures made by the
24 District for the state plan year ending September 30, 2008 ("the Certification") is
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1 \$86,920,707.00, which amount AHCCCS has determined to be correct. Provision
2 of the Certification is subject to the following conditions:

3 (A) By submitting such Certification, the District and the District's
4 representatives shall not subject themselves to any liability with respect to the
5 ultimate use or distribution of federal disproportionate share hospital funds
6 received by AHCCCS or the State as a result of such Certification—including any
7 use contemplated or required by Arizona Laws 2007, Ch. 263, § 19, including
8 whether or not such certification is "eligible for federal financial participation" as
9 that phrase is used in federal Medicaid law or regulation;
10

11 (B) This Order specifically preserves, and said Certification shall be without
12 prejudice to, the District's right to prosecute an appeal under appropriate
13 regulatory and statutory standards with respect to the use by the State of any
14 federal funds received as a result of such Certification—including but not limited
15 to the District's right to appeal the District's receipt of any less than \$57,541,500
16 in federal matching funds if the Certification amount is \$86,920,707.00 for state
17 plan year 2008;
18

19 (C) This Order also specifically preserves, and said Certification shall be without
20 prejudice to, Defendant's right to pursue any and all claims in law or equity that
21 the District has as of this date concerning the use or distribution of any past,
22 present, or future federal disproportionate share hospital funds-- including but not
23 limited to (a) any claims based upon any legal or equitable defenses asserted by
24 the District in the above-captioned cause; (b) any claims that could have been
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1 brought by the District by amendment or counterclaim in the above-captioned
2 cause, or (c) any claims that could have been brought by the District by separate
3 action in any state or federal court or agency; and

4 (D) AHCCCS represents that "Attachment D" to its Special Terms and
5 Conditions (Exhibit H to Plaintiff's Reply in Support of Application for Writ of
6 Mandamus and Order to Show Cause) has been approved by the Centers for
7 Medicare and Medicaid Services.
8

9 (E) AHCCCS shall notify the Governor, the president of the senate and the
10 speaker of the house of representatives of this Order so that the sum of
11 \$4,202,300 shall be distributed to the Maricopa County special health care district
12 in accordance with Laws 2007, Chapter 263, Sec. 19. AHCCCS shall also provide
13 a copy of this Order to the Centers for Medicare and Medicaid Services when it
14 submits the Certification and will notify the District if the Certification is
15 provided to any other federal agency.
16

17 (E) The District agrees to provide any backup information needed by AHCCCS
18 or CMS to process the Certification and resulting payment of disproportionate
19 share funds.

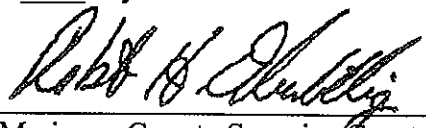
20 (F) For their part, AHCCCS and, through it, the State of Arizona preserve all
21 their rights to defend any subsequent challenge to the use or distribution of federal
22 disproportionate share funds that may be brought by the District; and their
23 stipulation to this Order is without waiver of, or prejudice to, their right and
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ability to assert any defenses or arguments they made or could have made in the above-captioned case.

- 2. The parties shall each bear their own costs and attorneys' fees.
- 3. This action is dismissed.

DONE IN OPEN COURT this 26th day of June 2008.



Judge, Maricopa County Superior Court
ROBERT H. OBERBILLIG

The foregoing instrument is a full, true and correct copy of the original document.

Attest June 26, 2008

MICHAEL K. JEANES, Clerk of the Superior Court of the State of Arizona, in and for the County of Maricopa.

By A. Marguid Deputy