

**TITLE 8 SOCIAL SERVICES**  
**CHAPTER 231 MEDICAID ELIGIBILITY - INFANTS OF MOTHERS WHO ARE MEDICAID**  
**ELIGIBLE (CATEGORY 031)**  
**PART 400 RECIPIENT POLICIES**

**8.231.400.1 ISSUING AGENCY:** New Mexico Human Services Department.  
[2/1/95; 8.231.400.1 NMAC - Rn, 8 NMAC 4.NBN.000.1, 1/1/2008]

**8.231.400.2 SCOPE:** The rule applies to the general public.  
[2/1/95; 8.231.400.2 NMAC - Rn, 8 NMAC 4.NBN.000.2, 1/1/2008]

**8.231.400.3 STATUTORY AUTHORITY:** The New Mexico medicaid program is administered pursuant to regulations promulgated by the federal department of health and human services under Title XIX of the Social Security Act, as amended and by the state human services department pursuant to state statute. See Section 27-2-12 et seq. NMSA 1978 (Repl. Pamp. 1991).  
[2/1/95; 8.231.400.3 NMAC - Rn, 8 NMAC 4.NBN.000.3, 1/1/2008]

**8.231.400.4 DURATION:** Permanent  
[2/1/95; 8.231.400.4 NMAC - Rn, 8 NMAC 4.NBN.000.4, 1/1/2008]

**8.231.400.5 EFFECTIVE DATE:** February 1, 1995, unless a later date is cited at the end of a section.  
[2/1/95; 8.231.400.5 NMAC - Rn, 8 NMAC 4.NBN.000.5 & A, 1/1/2008]

**8.231.400.6 OBJECTIVE:** The objective of these regulations is to provide eligibility policy and procedures for the medicaid program.  
[2/1/95; 8.231.400.6 NMAC - Rn, 8 NMAC 4.NBN.000.6, 1/1/2008]

**8.231.400.7 DEFINITIONS:** [RESERVED]

**8.231.400.8** [~~MISSION: To reduce the impact of poverty on people living in New Mexico and to assure low income and disabled individuals in New Mexico equal participation in the life of their communities.~~] **[RESERVED]**  
[8.231.400.8 NMAC - N, 3/1/2010; A, xx-xx-xx]

**8.231.400.9 NEWBORN - CATEGORY 031:** [~~The New Mexico medicaid program (medicaid) covers infants born to mothers who are eligible for and receiving New Mexico medicaid at the time of birth or mothers deemed to have been eligible for and receiving New Mexico medicaid at the time of the birth. Emergency medical services for undocumented aliens (EMSA) qualifies as receipt of medicaid for the mother.~~] The New Mexico medicaid program covers infants born to mothers who are eligible for and receiving New Mexico medicaid at the time of the child's birth. Mothers eligible to receive emergency medical services for aliens (EMSA) at the time of labor and delivery are considered to meet the standard of medicaid eligibility for the mother.  
[2/1/95; 8.231.400.9 NMAC - Rn, 8 NMAC 4.NBN.400 & A, 1/1/2008; A, xx-xx-xx]

**8.231.400.10 BASIS FOR DEFINING THE GROUP:** The infant is eligible for medicaid for ~~[42]~~ 13 months starting with the month of birth, as long as the following conditions are met:

- A. [~~the mother remains eligible for medicaid or would be eligible if she were still pregnant; or~~] the mother was enrolled in medicaid for the date of the child's birth, including a retroactive eligibility determination;
- B. the mother was approved for [~~emergency medical services for undocumented aliens~~] EMSA for the birth and delivery of the infant; and
- C. the infant continues to reside in New Mexico.

[2/1/95; 8.231.400.10 NMAC - Rn, 8 NMAC 4.NBN.402 & A, 1/1/2008; A, 3/1/2010; A, xx-xx-xx]

**8.231.400.11 GENERAL RECIPIENT REQUIREMENTS:**  
[2/1/95; 8.231.400.11 NMAC - Rn, 8 NMAC 4.NBN.410, 1/1/2008]

**8.231.400.12 ENUMERATION:** The infant is not required to have a social security number as a condition of eligibility.

[2/1/95; 8.231.400.12 NMAC - Rn, 8 NMAC 4.NBN.411, 1/1/2008]

**8.231.400.13 CITIZENSHIP:** An eligible newborn is considered to have met the citizenship and identity requirements.

[2/1/95, 4/30/98; 8.231.400.13 NMAC - Rn, 8 NMAC 4.NBN.412 & A, 1/1/2008; A, 3/1/2010]

**8.231.400.14 RESIDENCE:** To be eligible for medicaid, an applicant/recipient must be physically present in New Mexico on the date of application or final determination of eligibility and must have demonstrated intent to remain in the state. A temporary absence from the state does not prevent eligibility. A temporary absence exists if the applicant/recipient leaves the state for a specific purpose with a time-limited goal, and intends to return to New Mexico when the purpose is accomplished.

[2/1/95; 8.231.400.14 NMAC - Rn, 8 NMAC 4.NBN.413, 1/1/2008]

**8.231.400.15 SPECIAL RECIPIENT RESPONSIBILITIES:**

[2/1/95; 8.231.400.15 NMAC - Rn, 8 NMAC 4.NBN.420, 1/1/2008]

**8.231.400.16 AGE:** An applicant/recipient newborn is eligible for medicaid under this category [\[for twelve \(12\) months beginning with the month of birth.\] from birth until the child's first birthday \(13 months\).](#)

[2/1/95; 8.231.400.16 NMAC - Rn, 8 NMAC 4.NBN.421, 1/1/2008]

**8.231.400.17 RECIPIENT RIGHTS AND RESPONSIBILITIES:** An applicant/recipient is responsible for establishing his/her eligibility for medicaid. As part of this responsibility, the applicant/recipient must provide required information and documents or take the actions necessary to establish eligibility. Failure to do so must result in a decision that eligibility does not exist. An applicant/recipient must also grant the human services department (HSD) permission to contact other persons, agencies or sources of information which are necessary to establish eligibility.

[2/1/95; 8.231.400.17 NMAC - Rn, 8 NMAC 4.NBN.430, 1/1/2008]

**8.231.400.18 ASSIGNMENT OF SUPPORT:** Assignment of child support rights is not required for applicants/recipients eligible for category 031.

[2/1/95; 8.231.400.18 NMAC - Rn, 8 NMAC 4.NBN.434, 1/1/2008]

#### **HISTORY OF 8.231.400 NMAC:**

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center. ISD 290.1000, Medical Assistance for Woman and Children, filed 11/13/1984.

ISD FA 830, Medical Assistance for Woman and Children and AFDC Related Groups, filed 2/10/1988.

MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups, filed 8/11/1988.

MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups; filed 9/8/1988.

MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups; filed 9/30/1988.

MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups; filed 12/1/1988.

MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups; filed 3/31/1989.

MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups; filed 6/8/1989.

MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups; filed 12/28/1989.

MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups; filed 12/29/1989.

MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups; filed 3/1/1991.

MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups; filed 6/5/1992.

History of Repealed Material:

MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups; filed 6/5/1992 -

Repealed effective 2/1/1995.