



State of New Mexico  
Human Services Department  
**Human Services Register**



**I. DEPARTMENT**

NEW MEXICO HUMAN SERVICES DEPARTMENT (HSD)

**II. SUBJECT**

**8.299.400 NMAC, Family Planning Services-Recipient Requirements**  
**8.299.500 NMAC, Family Planning Services-Income and Resource Standards**  
**8.299.600 NMAC, Family Planning Services-Benefit Description**

**III. PROGRAM AFFECTED**

(TITLE XIX) MEDICAID

**IV. ACTION**

PROPOSED RULES

**V. BACKGROUND SUMMARY**

The Human Services Department (the Department), through the Medical Assistance Division (MAD), is proposing the following new NMAC policy: *8.299.400 NMAC, Family Planning Services-Recipient Requirements, 8.299.500 NMAC, Family Planning Services-Income and Resource Standards, 8.299.600 NMAC, Family Planning Services-Benefit Description*

The Department drafted new NMAC policy for the Medicaid family planning category. The new NMAC is necessary to create family planning as a stand-alone category subject to Modified Adjusted Gross Income (MAGI) methodology at 250% of the Federal Poverty Level (FPL) per our state plan.

**The Department proposes the following new rules:**

**8.299.400 NMAC**

The new 8.299.400 NMAC rule incorporates language found at 42 CFR 435.214. HSD provides Medicaid limited to family planning and family planning related services to individuals (of any gender) who are not pregnant and meet the income eligibility requirements.

### **8.299.500 NMAC**

The new 8.299.500 NMAC rule sets the income standard for family planning at 250% of the FPL with no resource standard.

### **8.299.600 NMAC**

The new 8.299.600 NMAC rule states that family planning provides a limited range of Medicaid-covered services for family planning and family planning-related services for both men and women. Eligibility is continuous for 12 months regardless of income changes. Redetermination for family planning is once every 12 months in accordance with 8.291.410 NMAC consistent with other MAGI categories.

## **VI. REGULATIONS**

These proposed rules will be contained in 8.299.400 NMAC, 8.299.5000 NMAC, 8.299.600 NMAC. The register and proposed rule language are available on the HSD website at: <http://www.hsd.state.nm.us/LookingForInformation/registers.aspx> and <http://www.hsd.state.nm.us/public-notices-proposed-rule-and-waiver-changes-and-opportunities-to-comment.aspx>. If you do not have internet access, a copy of the proposed register and rule may be requested by contacting MAD at 505-827-6252.

## **VII. EFFECTIVE DATE**

The Department proposes to implement this rule effective July 1, 2017.

## **VIII. PUBLIC HEARING**

A public hearing to receive testimony on this proposed rule will be held in Hearing Room 1, Toney Anaya Building, 2550 Cerrillos Road, Santa Fe, New Mexico May 25, 2017 from 10 a.m. to 11 a.m., Mountain Daylight Time (MDT).

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact MAD toll free at 1-888-997-2583 and ask for extension 7-3156. In Santa Fe call 827-3156. The Department's TDD system may be accessed toll-free at 1-800-659-8331 or in Santa Fe by calling 827-3184. The Department requests at least 10 working days advance notice to provide requested alternative formats and special accommodations.

Copies of all comments will be made available by MAD upon request by providing copies directly to a requestor or by making them available on the MAD website or at a location within the county of the requestor.

## IX. ADDRESS

Interested persons may address written or recorded comments to:

Human Services Department  
Office of the Secretary  
ATTN: Medical Assistance Division Public Comments  
P.O. Box 2348  
Santa Fe, New Mexico 87504-2348

Recorded comments may be left at (505) 827-1337. Interested persons may also address comments via electronic mail to: [madrules@state.nm.us](mailto:madrules@state.nm.us). Written mail, electronic mail and recorded comments must be received no later than 5 p.m. MDT on May 25, 2017. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing.

## X. PUBLICATIONS

Publication of this rule approved by:

A handwritten signature in black ink, appearing to read "BRENT EARNEST", is written over a horizontal line.

BRENT EARNEST, SECRETARY  
HUMAN SERVICES DEPARTMENT