



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



**I. DEPARTMENT**

NEW MEXICO HUMAN SERVICES DEPARTMENT (HSD)

**II. SUBJECT**

8.281.500 NMAC INSTITUTIONAL CARE

**III. PROGRAM AFFECTED**

(TITLE XIX) MEDICAID

**IV. ACTION**

PROPOSED RULE

**V. BACKGROUND SUMMARY**

The Human Services Department (the Department), through the Medical Assistance Division (MAD), is proposing to amend New Mexico Administrative Code (NMAC) rule 8.281.500 *Income and Resource Standards* to comply with the recently initiated Qualified State Long Term Care Insurance Partnership program and to clarify language for the definition of a MAD recognized spouse. In addition, the Department is taking this opportunity to standardize NMAC formatting and standardize MAD rule language.

**Highlights:**

**8.281.500 NMAC**

- **Section 7-** adds definitions for asset limit, long term care insurance policy, and protected asset limit, the Qualified State Long Term Care Partnership Program; and a definition for a MAD recognized spouse.
- **Section 13-** details requirements for the Qualified State Long Term Care Insurance Partnership Program.
- **Section 14-** adds requirements about asset transfers under the Qualified State Long Term Care Insurance Program.
- **Section 16 (proposed Section 15) -** adds requirements on completing the resource assessments in the existence of a Qualified State Long Term Care Insurance Partnership policy.
- **Section 23 (proposed Section 22) -** adds requirements on deductions of premiums for Qualified State Long Term Care Insurance Partnership policies in the medical care credit calculation. Additionally, there is an allowance for the deduction of the full amount of court ordered child or spousal support.

**VI. RULE**

This proposed rule will be contained in the NMAC rule of: 8.281.500. This register and the proposed amendments are available on the HSD website at: <http://www.hsd.state.nm.us/LookingForInformation/registers.aspx> or <http://www.hsd.state.nm.us/public-notice-proposed-rule-and-waiver-changes-and-opportunities-to-comment.aspx> If you do not have internet access, a copy of the proposed rules may be requested by contacting MAD at 505-476-7743 or toll free at 1-888-997-2583 and ask for extension 7-7743.

#### VII. EFFECTIVE DATE

The Department proposes to implement this rule effective August 15, 2015.

#### VIII. PUBLIC HEARING

A public hearing to receive testimony on these proposed rules will be held in Hearing Room One, Toney Anaya Building, 2550 Cerrillos Road, Santa Fe, New Mexico on July 16, 2015 at 10 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 the Medical Assistance Division toll free at 1-888-997-2583 and ask for extension 7-7743. In Santa Fe call 827-7743. 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 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 July 16, 2015, 5 p.m. MDT. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing.

#### X. PUBLICATION

Publication of this rule approved by:

  
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BRETT EARNEST, SECRETARY  
HUMAN SERVICES DEPARTMENT