



State of New Mexico
Health Care Authority
Register

I. DEPARTMENT

NEW MEXICO HEALTH CARE AUTHORITY

II. SUBJECT

ANNUAL ADJUSTMENTS TO INCOME LIMITS

III. PROGRAM AFFECTED

NEW MEXICO WORKS (NMW) CASH ASSISTANCE PROGRAM
SUPPORT SERVICES
EDUCATION WORKS PROGRAM
GENERAL ASSISTANCE PROGRAMS
SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

IV. ACTION

TEMPORARY EMERGENCY AMENDMENTS

V. BACKGROUND SUMMARY

The Health Care Authority (HCA) Income Support Division (ISD) will implement a temporary emergency rule effective October 1, 2024. This annual rule update revises the income and resource eligibility standards, as well as the deduction amounts for eligible households, in alignment with the guidelines established by the United States Department of Agriculture (USDA) and the Food and Nutrition Services (FNS).

Due to receiving the federal notice on Cost-of-Living Adjustments (COLA) less than sixty days before the rule's effective date, there is not enough time to complete the standard rulemaking process. Consequently, an emergency rule is required to ensure compliance with federal regulations and to avoid falling out of compliance by the October 1 deadline.

The emergency rule will amend the New Mexico Administrative Code (NMAC) sections 8.102.500 NMAC and 8.106.500 NMAC.

This action is authorized under Section 9-8-6 NMSA 1978, which grants the Department Secretary the authority to establish rules and regulations necessary for the Department and its divisions.

VI. CONCISE EXPLANATORY STATEMENT

Regulations issued pursuant to the act are contained in 45 CFR Parts 200-299. Administration of the Health Care Authority (HCA), including its authority to promulgate regulations, is governed by Chapter 9, Article 8, NMSA 1978 (Repl. 1983).

The Department must promulgate these emergency rules and make them effective no later than October 1, 2024, to be in compliance with Federal law. The emergency rulemaking process is necessary to avoid placing HCA in violation of federal law.

VII. RULE

The register and rule language is available on the HCA website at: <https://www.hca.nm.gov/lookingforinformation/income-support-division-registers-2/>. If you do not have internet access, a copy of the final register and rules may be requested by contacting HCA Office of the Secretary at (505) 827-7750.

VIII. PUBLICATION DATE

September 24, 2024

IX. EFFECTIVE DATE

October 1, 2024

X. PUBLICATION

Publication of this rule is approved by:

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 9/3/2024
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KARI ARMIJO, SECRETARY
NEW MEXICO HEALTH CARE AUTHORITY