

# NMAC

## Transmittal Form



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Volume:  Issue:  Publication date:  Number of pages:  (ALD Use Only) Sequence No.

Issuing agency name and address:  Agency DFA code:

Contact person's name:  Phone number:  E-mail address:

Type of rule action: New  Amendment  Repeal  Emergency  Renumber  (ALD Use) Recent filing date:

Title number:  Title name:

Chapter number:  Chapter name:

Part number:  Part name:

Amendment description (If filing an amendment):  Amendment's NMAC citation (If filing an amendment):

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**Specific statutory or other authority authorizing rulemaking:**

Notice date(s):  Hearing date(s):  Rule adoption date:  Rule effective date:

# Concise Explanatory Statement For Rulemaking Adoption:

## Findings required for rulemaking adoption:

### Findings MUST include:

- Reasons for adopting rule, including any findings otherwise required by law of the agency, and a summary of any independent analysis done by the agency;
- Reasons for any change between the published proposed rule and the final rule; and
- Reasons for not accepting substantive arguments made through public comment.

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The reason for adopting this rule is to implement the 2022 SSA COLA changes as required by the SSA. Changes in the COLA have a positive impact on Medicaid applicants making them more likely to be eligible due to increased income and resource limits.

Issuing authority (If delegated, authority letter must be on file with ALD):

Name:

David R. Scrase

Check if authority has been delegated

Title:

Secretary

Signature: (BLACK ink only OR Digital Signature)

Date signed:

DocuSigned by:  
*David R. Scrase, M.D.*  
9DBE7D7D1B53422...

7/18/2022

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This is an amendment to 8.200.510 NMAC, Sections 11, 12, 13 and 15, effective 8/9/2022.

**8.200.510.11 COMMUNITY SPOUSE RESOURCE ALLOWANCE (CSRA):** The CSRA standard varies based on when the applicant or recipient become institutionalized for a continuous period. The CSRA remains constant even if it was calculated prior to submission of a formal MAP application. If institutionalization began:

**A.** Between September 30, 1989 and December 31, 1989, the state maximum CSRA is \$30,000 and the federal maximum CRSA is \$60,000.

**B.** On or after January 1, 1990, the state minimum is \$31,290 and the federal maximum CSRA is \$62,580.

**C.** On or after January 1, 1991, the state minimum is \$31,290 and the federal maximum CSRA is \$66,480.

**D.** On or before January 1, 1992, the state minimum is \$31,290 and the federal maximum CSRA is \$68,700.

**E.** On or after January 1, 1993, the state minimum is \$31,290 and the federal maximum CSRA is \$70,740.

**F.** On or after January 1, 1994, the state minimum is \$31,290 and the federal maximum CSRA is \$72,660.

**G.** On or after January 1, 1995, the state minimum is \$31,290 and the federal maximum CSRA is \$74,820.

**H.** On or after January 1, 1996, the state minimum is \$31,290 and the federal maximum CSRA is \$76,740.

**I.** On or after January 1, 1997, the state minimum is \$31,290 and the federal maximum CSRA is \$79,020.

**J.** On or after January 1, 1998, the state minimum is \$31,290 and the federal maximum CSRA is \$80,760.

**K.** On or after January 1, 1999, the state minimum is \$31,290 and the federal maximum CSRA is \$81,960.

**L.** On or after January 1, 2000, the state minimum is \$31,290 and the federal maximum CSRA is \$84,120.

**M.** On or after January 1, 2001, the state minimum is \$31,290 and the federal maximum CSRA is \$87,000.

**N.** On or after January 1, 2002, the state minimum is \$31,290 and the federal maximum CSRA is \$89,280.

**O.** On or after January 1, 2003, the state minimum is \$31,290 and the federal maximum CSRA is \$90,660.

**P.** On or after January 1, 2004, the state minimum is \$31,290 and the federal maximum CSRA is \$92,760.

**Q.** On or after January 1, 2005, the state minimum is \$31,290 and the federal maximum CSRA is \$95,100.

**R.** On or after January 1, 2006, the state minimum is \$31,290 and the federal maximum CSRA is \$99,540.

**S.** On or after January 1, 2007, the state minimum is \$31,290 and the federal maximum CSRA is \$101,640.

**T.** On or after January 1, 2008, the state minimum is \$31,290 and the federal maximum CSRA is \$104,400.

**U.** On or after January 1, 2009, the state minimum is \$31,290 and the federal maximum CSRA is \$109,560.

**V.** On or after January 1, 2010, the state minimum is \$31,290 and the federal maximum CSRA remains \$109,560.

**W.** On or after January 1, 2011, the state minimum is \$31,290 and the federal maximum CSRA remains \$109,560.

**X.** On or after January 1, 2012, the state minimum is \$31,290 and the federal maximum CSRA is \$113,640.

**Y.** On or after January 1, 2013, the state minimum is \$31,290 and the federal maximum CSRA is \$115,920.

**Z.** On or after January 1, 2014, the state minimum is \$31,290 and the federal maximum CSRA is

- \$117,240.  
**AA.** On or after January 1, 2015, the state minimum is \$31,290 and the federal maximum CSRA is \$119,220.  
**BB.** On or after January 1, 2016, the state minimum is \$31,290 and the federal maximum CSRA is \$119,220.  
**CC.** On or after January 1, 2017, the state minimum is \$31,290 and the federal maximum CSRA is \$120,900.  
**DD.** On or after January 1, 2018, the state minimum is \$31,290 and the federal maximum CSRA is \$123,600.  
**EE.** On or after January 1, 2019, the state minimum is \$31,290 and the federal maximum CSRA is \$126,420.  
**FF.** On or after January 1, 2020, the state minimum is \$31,290 and the federal maximum CSRA is \$128,640.  
**GG.** On or after January 1, 2021, the state minimum is \$31,290 and the federal maximum CSRA is \$130,380.  
**HH.** On or after January 1, 2022, the state minimum is \$31,290 and the federal maximum CSRA is \$137,400.

[8.200.510.11 NMAC - Rp, 8.200.510.11 NMAC, 7/1/2015; A/E, 1/1/2016; A/E, 3/1/2017; A/E, 8/30/2018; A/E, 4/11/2019; A, 7/30/2019; A/E, 8/11/2020; A, 12/15/2020; A/E, 4/1/2021; A, 9/1/2021; A/E, 4/1/2022; A, 8/9/2022]

**8.200.510.12 POST-ELIGIBILITY CALCULATION (MEDICAL CARE CREDIT):** Apply applicable deductions in the order listed below when determining the medical care credit for an institutionalized spouse.

**DEDUCTION**

**AMOUNT**

- A.** Personal needs allowance for institutionalized spouse:  
~~[July 1, 2020]~~ July 1, 2021 ~~[\$76]~~ \$78
- B.** Minimum monthly maintenance needs allowance (MMMNA):  
~~[July 1, 2020]~~ July 1, 2021 ~~[\$2,155]~~ \$2,178
- C.** The community spouse monthly income allowance (CSMIA) is calculated by subtracting the community spouse's gross income from the MMMNA:  
**(1)** If allowable shelter expenses of the community spouse exceeds the minimum allowance then deduct an excess shelter allowance from community spouse's income that includes: expenses for rent; mortgage (including interest and principal); taxes and insurance; any maintenance charge for a condominium or cooperative; and an amount for utilities (if not part of maintenance charge above); use the standard utility allowance (SUA) deduction used in the food stamp program for the utility allowance.  
~~[July 1, 2020]~~ July 1, 2021 ~~[\$646]~~ \$653
- (2)** Excess shelter allowance may not exceed the maximum:  
**(a)** Jan. 1, 2022 \$1,257  
~~[(a)]~~ **(b)** Jan. 1, 2021 \$1,105  
~~[(b)]~~ **(c)** July 1, 2020 \$1,062  
~~[(c)]~~ **(d)** Jan. 1, 2020 \$1,103  
~~[(d)]~~ **(e)** July 1, 2019 \$1,047
- D.** Any extra maintenance allowance ordered by a court of jurisdiction or a state administrative hearing officer.
- E.** Dependent family member income allowance (if applicable) calculated as follows: 1/3 X MMMNA - dependent member's income).
- F.** Non-covered medical expenses.
- G.** The maximum total of the community spouse monthly income allowance and excess shelter deduction may not exceed ~~[\$3,260]~~ \$3,435.

[8.200.510.12 NMAC - Rp, 8.200.510.12 NMAC, 7/1/2015; A/E, 3/1/2017; A/E, 8/30/2018; A/E, 4/11/2019; A, 7/30/2019; A/E, 1/16/2020; A/E, 8/11/2020; A, 12/15/2020; A/E, 4/1/2021; A, 9/1/2021; A/E, 4/1/2022; A, 8/9/2022]

**8.200.510.13 AVERAGE MONTHLY COST OF NURSING FACILITIES FOR PRIVATE PATIENTS USED IN TRANSFER OF ASSET PROVISIONS:** Costs of care are based on the date of application registration.

- | <b>DATE</b>                            | <b>AVERAGE COST PER MONTH</b> |
|--|-------------------------------|
| <b>A.</b> July 1, 1988 - Dec. 31, 1989 | \$1,726 per month             |

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<b>B.</b>	Jan. 1, 1990 - Dec. 31, 1991	\$2,004 per month
<b>C.</b>	Jan. 1, 1992 - Dec. 31, 1992	\$2,217 per month
<b>D.</b>	Effective July 1, 1993, for application register on or after Jan. 1, 1993	\$2,377 per month
<b>E.</b>	Jan. 1, 1994 - Dec. 31, 1994	\$2,513 per month
<b>F.</b>	Jan. 1, 1995 - Dec. 31, 1995	\$2,592 per month
<b>G.</b>	Jan. 1, 1996 - Dec. 31, 1996	\$2,738 per month
<b>H.</b>	Jan. 1, 1997 - Dec. 31, 1997	\$2,889 per month
<b>I.</b>	Jan. 1, 1998 - Dec. 31, 1998	\$3,119 per month
<b>J.</b>	Jan. 1, 1999 - Dec. 31, 1999	\$3,429 per month
<b>K.</b>	Jan. 1, 2000 - Dec. 31, 2000	\$3,494 per month
<b>L.</b>	Jan. 1, 2001 - Dec. 31, 2001	\$3,550 per month
<b>M.</b>	Jan. 1, 2002 - Dec. 31, 2002	\$3,643 per month
<b>N.</b>	Jan. 1, 2003 - Dec. 31, 2003	\$4,188 per month
<b>O.</b>	Jan. 1, 2004 - Dec. 31, 2004	\$3,899 per month
<b>P.</b>	Jan. 1, 2005 - Dec. 31, 2005	\$4,277 per month
<b>Q.</b>	Jan. 1, 2006 - Dec. 31, 2006	\$4,541 per month
<b>R.</b>	Jan. 1, 2007 - Dec. 31, 2007	\$4,551 per month
<b>S.</b>	Jan. 1, 2008 - Dec. 31, 2008	\$4,821 per month
<b>T.</b>	Jan. 1, 2009 - Dec. 31, 2009	\$5,037 per month
<b>U.</b>	Jan. 1, 2010 - Dec. 31, 2010	\$5,269 per month
<b>V.</b>	Jan. 1, 2011 - Dec. 31, 2011	\$5,774 per month
<b>W.</b>	Jan. 1, 2012 - Dec. 31, 2012	\$6,015 per month
<b>X.</b>	Jan. 1, 2013 - Dec. 31, 2013	\$6,291 per month
<b>Y.</b>	Jan. 1, 2014 - Dec. 31, 2014	\$6,229 per month
<b>Z.</b>	Jan. 1, 2015 - Dec. 31, 2015	\$6,659 per month
<b>AA.</b>	Jan. 1, 2016 - Dec. 31, 2016	\$7,786 per month
<b>BB.</b>	Jan. 1, 2017 - Dec. 31, 2017	\$7,485 per month
<b>CC.</b>	Jan. 1, 2018 - Dec. 31, 2018	\$7,025 per month
<b>DD.</b>	Jan. 1, 2019 - Dec. 31, 2019	\$7,285 per month
<b>EE.</b>	Jan. 1, 2020 - Dec. 31, 2020	\$7,480 per month
<b>FF.</b>	Jan. 1, 2021 - Dec. 31, 2021	\$7,590 per month
<b>GG.</b>	Jan. 1, 2022 -	\$7,811 per month

[8.200.510.13 NMAC - Rp, 8.200.510.13 NMAC, 7/1/2015; A/E, 1/1/2016; A/E, 3/1/2017; A/E, 8/30/2018; A/E, 4/11/2019; A, 7/30/2019; A/E, 8/11/2020; A, 12/15/2020; A/E, 4/1/2021; A, 9/1/2021; A/E, 4/1/2022; A, 8/9/2022]

**8.200.510.15 EXCESS HOME EQUITY AMOUNT FOR LONG-TERM CARE SERVICES:**

<u><b>A.</b></u>	<u>Jan. 2022</u>	<u>\$636,000</u>
<del>[A.]</del> <b>B.</b>	Jan. 2021	\$603,000
<del>[B.]</del> <b>C.</b>	Jan. 2020	\$595,000
<del>[C.]</del> <b>D.</b>	Jan. 2019	\$585,000
<del>[D.]</del> <b>E.</b>	Jan. 2018	\$572,000
<del>[E.]</del> <b>F.</b>	Oct. 2017	\$560,000
<del>[F.]</del> <b>G.</b>	Jan. 2017	\$840,000
<del>[G.]</del> <b>H.</b>	Jan. 2016	\$828,000
<del>[H.]</del> <b>I.</b>	Jan. 2015	\$828,000
<del>[I.]</del> <b>J.</b>	Jan. 2014	\$814,000
<del>[J.]</del> <b>K.</b>	Jan. 2013	\$802,000
<del>[K.]</del> <b>L.</b>	Jan. 2012	\$786,000
<del>[L.]</del> <b>M.</b>	Jan. 2011	\$758,000
<del>[M.]</del> <b>N.</b>	Jan. 2010	\$750,000

[8.200.510.15 NMAC - Rp, 8.200.510.15 NMAC, 7/1/2015; A/E, 1/1/2016; A/E, 3/1/2017; A, 3/1/18; A/E, 8/30/2018; A/E, 4/11/2019; A, 7/30/2019; A/E, 8/11/2020; A, 12/15/2020; A/E, 4/1/2021; A, 9/1/2021; A/E, 4/1/2022; A, 8/9/2022]