TITLE 8 SOCIAL SERVICES

CHAPTER 200 MEDICAID ELIGIBILITY - GENERAL RECIPIENT POLICIES

PART 510 RESOURCE STANDARDS

8.200.510.1 ISSUING AGENCY: New Mexico [Human Services Department (HSD)] Health Care Authority (HCA).

[8.200.510.1 NMAC - Rp, 8.200.510.1 NMAC, 7/1/2015]

8.200.510.2 SCOPE: The rule applies to the general public.

[8.200.510.2 NMAC - Rp, 8.200.510.2 NMAC, 7/1/2015]

8.200.510.3 STATUTORY AUTHORITY: The New Mexico medicaid program and other health care programs are administered pursuant to regulations promulgated by the federal department of health and human services under Title XIX of the Social Security Act as amended or by state statute. See Section 27-1-12 et seq. NMSA 1978.

[8.200.510.3 NMAC - Rp, 8.200.510.3 NMAC, 7/1/2015]

8.200.510.4 DURATION: Permanent.

[8.200.510.4 NMAC - Rp, 8.200.510.4 NMAC, 7/1/2015]

8.200.510.5 EFFECTIVE DATE: July 1, 2015, unless a later date is cited at the end of a section. [8.200.510.5 NMAC - Rp, 8.200.510.5 NMAC, 7/1/2015]

8.200.510.6 OBJECTIVE: The objective of this rule is to provide specific instructions when determining eligibility for the medicaid program and other health care programs. Generally, applicable eligibility rules are detailed in the medical assistance division (MAD) eligibility policy manual, specifically 8.200.400 NMAC, *General Medicaid Eligibility*. Processes for establishing and maintaining MAD eligibility are detailed in the income support division (ISD) general provisions 8.100 NMAC, *General Provisions for Public Assistance Programs*. [8.200.510.6 NMAC - Rp, 8.200.510.6 NMAC, 7/1/2015]

8.200.510.7 DEFINITIONS: [RESERVED]

8.200.510.8 MISSION STATEMENT: [To transform lives. Working with our partners, we design and deliver innovative, high quality health and human services that improve the security and promote independence for New Mexicans in their communities.] We ensure that New Mexicans attain their highest level of health by providing whole-person, cost effective, accessible, and high-quality health care and safety-net services.

[8.200.510.8 NMAC - Rp, 8.200.510.8 NMAC, 7/1/2015; A/E, 3/1/2017; A/E, 1/16/2020, A, xx/xx/xxxx]

- **8.200.510.9 GENERAL NEED DETERMINATION:** To be eligible for medical assistance division (MAD) benefits, an applicant or recipient must meet specific resource and income standards based on eligibility category. [8.200.510.9 NMAC Rp, 8.200.510.9 NMAC, 7/1/2015]
- **8.200.510.10 RESOURCE STANDARDS:** For specific information on liquid, non-liquid and countable resources, resource exclusions, deemed resources, resource transfers or trusts see specific medical assistance programs (MAP) eligibility categories. Standards for community spouse resource allowance, medical care credit calculations and average cost for nursing facility care are included in this section. [8.200.510.10 NMAC Rp, 8.200.510.10 NMAC, 7/1/2015]
- **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

8.200.510 NMAC INDEX

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\$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. \$76,740.	On or after January 1, 1996, the state minimum is \$31,290 and the federal maximum CSRA is
I. \$79,020.	On or after January 1, 1997, the state minimum is \$31,290 and the federal maximum CSRA is
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.	On of after January 1, 2001, the state minimum is \$51,290 and the federal maximum CSRA is
N. \$89,280.	On or after January 1, 2002, the state minimum is \$31,290 and the federal maximum CSRA is
0.	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. \$101,640.	On or after January 1, 2007, the state minimum is \$31,290 and the federal maximum CSRA is
T. \$104,400.	On or after January 1, 2008, the state minimum is \$31,290 and the federal maximum CSRA is
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 \$109,56 W.	60. On or after January 1, 2011, the state minimum is \$31,290 and the federal maximum CSRA
remains \$109,56	
X. \$113,640.	On or after January 1, 2012, the state minimum is \$31,290 and the federal maximum CSRA is
Υ.	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. \$120,900.	On or after January 1, 2017, the state minimum is \$31,290 and the federal maximum CSRA is
DD. \$123,600.	On or after January 1, 2018, the state minimum is \$31,290 and the federal maximum CSRA is
EE.	On or after January 1, 2019, the state minimum is \$31,290 and the federal maximum CSRA is

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EFF: 4/1/2024

\$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.

II. On or after January 1, 2023, the state minimum is \$31,290 and the federal maximum CSRA is \$148,620.

JJ. On or after January 1, 2024, the state minimum is \$31,290 and the federal maximum CSRA is \$154,140.

[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; A/E, 4/1/2023; A/E, 4/1/2024]

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, 2022

[July 1, 2022] [\$83] <u>July 1, 2023</u> <u>\$91</u>

B. Minimum monthly maintenance needs allowance (MMMNA): [July 1, 2022] [\$2,289]
July 1, 2023 \$2,465

- **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.

	[3 dily 1, 2022	\$667]		
	July 1, 2023	\$740		
(2)	Excess shelter allowance may not exceed the maximum:			
. ,	[(a) Jan. 1, 2023	\$1,427		
	(b) Jan. 1, 2022	\$1,257		
	(c) Jan. 1, 2021	\$1,105		
	(d) July 1, 2020	\$1,062		
	(e) Jan. 1, 2020	\$1,103		
	(a) Jan. 1, 2024	\$1,388.50		
	(b) July 1, 2023	\$1,251		
	(c) Jan. 1, 2023	\$1,427		
	(d) July 1, 2022	\$1,146		
	(e) Jan. 1, 2022	\$1,257		
	(f) July 1, 2021	\$1,082		
	(g) Jan. 1, 2021	\$1,105		
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- **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 [\$3,716] \$3,853.50.

[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; A/E, 4/1/2023; A/E, 4/1/2024]

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.

A. July 1, 1988 - Dec. 31, 1989 B. Jan. 1, 1990 - Dec. 31, 1991 C. Jan. 1, 1992 - Dec. 31, 1992 D. Effective July 1, 1993, for application register on or after Jan. 1, 1993 E. Jan. 1, 1994 - Dec. 31, 1994 F. Jan. 1, 1994 - Dec. 31, 1995 G. Jan. 1, 1996 - Dec. 31, 1995 S. Jan. 1, 1996 - Dec. 31, 1996 H. Jan. 1, 1997 - Dec. 31, 1997 J. Jan. 1, 1999 - Dec. 31, 1997 J. Jan. 1, 1999 - Dec. 31, 1998 S. Jan. 1, 1999 - Dec. 31, 1999 K. Jan. 1, 1999 - Dec. 31, 1999 K. Jan. 1, 1999 - Dec. 31, 2000 S. Jan. 1, 2000 - Dec. 31, 2001 J. Jan. 1, 2001 - Dec. 31, 2001 S. Jan. 1, 2002 - Dec. 31, 2002 S. Jan. 1, 2003 - Dec. 31, 2003 S. Jan. 1, 2004 - Dec. 31, 2005 R. Jan. 1, 2005 - Dec. 31, 2005 R. Jan. 1, 2007 - Dec. 31, 2006 R. Jan. 1, 2007 - Dec. 31, 2007 S. Jan. 1, 2007 - Dec. 31, 2007 S. Jan. 1, 2008 - Dec. 31, 2008 S. Jan. 1, 2009 - Dec. 31, 2008 S. Jan. 1, 2009 - Dec. 31, 2009 V. Jan. 1, 2009 - Dec. 31, 2009 S. Jan. 1, 2006 - Dec. 31, 2006 R. Jan. 1, 2009 - Dec. 31, 2009 S. Jan. 1, 2006 - Dec. 31, 2009 V. Jan. 1, 2001 - Dec. 31, 2010 S. Jan. 1, 2005 - Dec. 31, 2007 S. Jan. 1, 2006 - Dec. 31, 2009 V. Jan. 1, 2010 - Dec. 31, 2010 V. Jan. 1, 2010 - Dec. 31, 2011 S. Jan. 1, 2010 - Dec. 31, 2011 S. Jan. 1, 2010 - Dec. 31, 2011 S. Jan. 1, 2011 - Dec. 31, 2011 S. Jan. 1, 2012 - Dec. 31, 2015 S. Jan. 1, 2015 - Dec. 31, 2016 S. Jan. 1, 2016 - Dec. 31, 2017 S. Jan. 1, 2017 - Dec. 31, 2017 S. Jan. 1, 2017 - Dec. 31, 2017 S. Jan. 1, 2019 - Dec. 31, 2019 S. Jan. 1, 2019 - Dec. 31, 2020 S. Jan. 1, 2020 - Dec. 31, 2021 S. Jan. 1, 2020 - Dec. 31, 2021 S. Jan. 1, 2021 - Dec. 31, 2021 S. Jan. 1, 2022 - Dec	INTINA		s of care are based on the date of application registration.
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AA. Jan. 1, 2016 - Dec. 31, 2016 BB. Jan. 1, 2017 - Dec. 31, 2017 CC. Jan. 1, 2018 - Dec. 31, 2018 DD. Jan. 1, 2019 - Dec. 31, 2019 EE. Jan. 1, 2020 - Dec. 31, 2020 FF. Jan. 1, 2021 - Dec. 31, 2021 GG. Jan. 1, 2022 - Dec. 31, 2021 HH. Jan. 1, 2023 - Dec. 31, 2023 II. Jan. 1, 2024 - \$8,919 per month \$7,786 per month \$7,485 per month \$7,025 per month \$7,285 per month \$7,480 per month \$7,590 per month \$7,811 per month \$8,275 per month \$8,275 per month	Υ.	Jan. 1, 2014 - Dec. 31, 2014	\$6,229 per month
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CC. Jan. 1, 2018 - Dec. 31, 2018 \$7,025 per month DD. Jan. 1, 2019 - Dec. 31, 2019 \$7,285 per month EE. Jan. 1, 2020 - Dec. 31, 2020 \$7,480 per month FF. Jan. 1, 2021 - Dec. 31, 2021 \$7,590 per month GG. Jan. 1, 2022 - Dec. 31, 2021 \$7,811 per month HH. Jan. 1, 2023 - Dec. 31, 2023 \$8,275 per month II. Jan. 1, 2024 - \$8,919 per month	AA.	Jan. 1, 2016 - Dec. 31, 2016	\$7,786 per month
DD. Jan. 1, 2019 - Dec. 31, 2019 \$7,285 per month EE. Jan. 1, 2020 - Dec. 31, 2020 \$7,480 per month FF. Jan. 1, 2021 - Dec. 31, 2021 \$7,590 per month GG. Jan. 1, 2022 - Dec. 31, 2021 \$7,811 per month HH. Jan. 1, 2023 - Dec. 31, 2023 \$8,275 per month II. Jan. 1, 2024 - \$8,919 per month	BB.	Jan. 1, 2017 - Dec. 31, 2017	\$7,485 per month
EE. Jan. 1, 2020 - Dec. 31, 2020 \$7,480 per month FF. Jan. 1, 2021 - Dec. 31, 2021 \$7,590 per month GG. Jan. 1, 2022 - Dec. 31, 2021 \$7,811 per month HH. Jan. 1, 2023 - Dec. 31, 2023 \$8,275 per month II. Jan. 1, 2024 - \$8,919 per month	CC.	Jan. 1, 2018 - Dec. 31, 2018	\$7,025 per month
FF. Jan. 1, 2021 - Dec. 31, 2021 \$7,590 per month GG. Jan. 1, 2022 - Dec. 31, 2021 \$7,811 per month HH. Jan. 1, 2023 - Dec. 31, 2023 \$8,275 per month II. Jan. 1, 2024 - \$8,919 per month	DD.	Jan. 1, 2019 - Dec. 31, 2019	\$7,285 per month
GG. Jan. 1, 2022 - Dec. 31, 2021 \$7,811 per month HH. Jan. 1, 2023 - Dec. 31, 2023 \$8,275 per month II. Jan. 1, 2024 - \$8,919 per month	EE.	Jan. 1, 2020 - Dec. 31, 2020	\$7,480 per month
HH. Jan. 1, 2023 <u>- Dec. 31, 2023</u> \$8,275 per month Jan. 1, 2024 - \$8,919 per month	FF.	Jan. 1, 2021 - Dec. 31, 2021	\$7,590 per month
II. Jan. 1, 2024 - \$8,919 per month	GG.	Jan. 1, 2022 - Dec. 31, 2021	\$7,811 per month
	HH.	Jan. 1, 2023 <u>- Dec. 31, 2023</u>	\$8,275 per month
	<u>II.</u>		

[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; A/E, 4/1/2023; A/E, 4/1/2024]

8.200.510.14 [RESERVED]

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

A.	Jan. 2024	\$713,000
[(A)] <u>B.</u>	Jan. 2023	\$688,000
[(B)] <u>C.</u>	Jan. 2022	\$636,000
[(C)] <u>D.</u>	Jan. 2021	\$603,000
[(D)] <u>E.</u>	Jan. 2020	\$595,000
[(E)] <u>F.</u>	Jan. 2019	\$585,000
[(F)] <u>G.</u>	Jan. 2018	\$572,000
[(G)] <u>H</u>	Oct. 2017	\$560,000
[(H)] <u>L</u>	Jan. 2017	\$840,000

MEDICAID ELIGIBILITY – GENERAL RECIPIENT POLICIES RESOURCE STANDARDS EFF: 4/1/2024

(H) J. Jan. 2016	\$828,000
(J)] <u>K.</u> Jan. 2015	\$828,000
(K) L. Jan. 2014	\$814,000
(L)] M. Jan. 2013	\$802,000
(M) N. Jan. 2012	\$786,000
(N) <u>O.</u> Jan. 2011	\$758,000
(O) P. 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; A/E, 4/1/2023; A/E, 4/1/2024]

HISTORY OF 8.200.510 NMAC: The material in this part was derived from that previously filed with the Commission of Public Records - State Records Center and Archives:

8 NMAC 4.MAD.500, Eligibility Policies, Income and Resource Standards; 12/30/1994.

8 NMAC 4.MAD.500, Eligibility Policies, Income and Resource Standards; 6/20/1995.

History of Repealed Material:

8.200.510 NMAC, Resource Standards, filed 6/13/2014 - Repealed 7/1/2015.