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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 Only) Most 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):

Are there any materials incorporated by reference? Yes No Please list attachments or Internet sites if applicable.

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Concise Explanatory Statement For Rulemaking Adoption:

Specific statutory or other authority authorizing rulemaking:

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

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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Findings required for rulemaking adoption:
continued

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[Empty rectangular box for findings]

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)

DocuSigned by:

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kl

David R. Scrase, M.D.

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Date signed:

3/30/2021

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This is an amendment to 8.200.510 NMAC, Sections 11, 12, 13, 14 and 15, effective 4/1/2021.

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

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- \$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.

[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]

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, 2019] July 1, 2020	[\$74] \$76
B. Minimum monthly maintenance needs allowance (MMMNA): [July 1, 2019] July 1, 2020	[\$2,114] \$2,155
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, 2019] July 1, 2020	[\$635] \$646
(2) Excess shelter allowance may not exceed the maximum:	
[_____ (a) Jan. 1, 2020]	\$1,103
[_____ (b) July 1, 2019]	\$1,047
[_____ (c) Jan. 1, 2019]	\$1,103
[_____ (d) July 1, 2018]	\$1,032]
[_____ (a) Jan. 1, 2021]	\$1,105
[_____ (b) July 1, 2020]	\$1,062
[_____ (c) Jan. 1, 2020]	\$1,103
[_____ (d) 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 [\$3,217] \$3,260.	

[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]

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.

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

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

8.200.510.14 [RESOURCE AMOUNTS FOR SUPPLEMENTAL SECURITY INCOME (SSI) RELATED MEDICARE SAVINGS PROGRAMS (QMB, SLIMB/QH AND QD): The following resource standards are inclusive of the \$1,500 per person burial exclusion.

A.	Individual:	
	Jan. 1, 2020	\$9,360
B.	Couple:	
	Jan. 1, 2020	\$14,800] [RESERVED]

[8.200.510.14 NMAC - Rp, 8.200.510.14 NMAC, 7/1/2015; A/E, 8/30/2018; A/E, 4/11/2019; A, 7/30/2019; A/E, 8/11/2020; A, 12/15/2020; Repealed, 4/1/2021]

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

A.	Jan. 2020	\$595,000
B.	Jan. 2019	\$585,000
C.	Jan. 2018	\$572,000
D.	Oct. 2017	\$560,000
E.	Jan. 2017	\$840,000
F.	Jan. 2016	\$828,000
G.	Jan. 2015	\$828,000
H.	Jan. 2014	\$814,000
I.	Jan. 2013	\$802,000
J.	Jan. 2012	\$786,000

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