

# NMAC

## Transmittal Form



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):

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

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### Specific statutory or other authority authorizing rulemaking:

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

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# 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.

The reason for adopting this rule is to implement the HHS 2023 federal poverty level (FPL) and the 2023 Social Security Agency (SSA) Cost of Living Allowance (COLA) changes as required by the Department of Health and Human Services and SSA. Changes in the FPL and COLA have a positive impact on Medicaid applicants making them more likely to be eligible due to increased income limits.

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

Name:

Kari Armijo


Check if authority has been delegated

Title:

Acting Secretary

Signature: (BLACK ink only OR Digital Signature)

Date signed:

DocuSigned by:  
  
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3/9/2023

This is an amendment to 8.200.520 NMAC, Sections 11, 12, 13, 15, 16 and 20, effective 4/1/2023.

**8.200.520.11 FEDERAL POVERTY INCOME GUIDELINES:**

**A.** One hundred percent federal poverty limits (FPL):

Size of budget group	FPL per month
1	\$1,133*
2	\$1,526*
3	\$1,920
4	\$2,313
5	\$2,706
6	\$3,100
7	\$3,493
8	\$3,886]
1	\$1,215*
2	\$1,644*
3	\$2,072
4	\$2,500
5	\$2,929
6	\$3,357
7	\$3,785
8	\$4,214

Add [~~\$393~~] \$429 for each additional person in the budget group.

\*FPL must be below 100% for an individual or couple for qualified medicare beneficiary

(QMB) program.

**B.** One hundred twenty percent FPL: This income level is used only in the determination of the maximum income limit for specified low income medicare beneficiaries (SLIMB) applicants or eligible recipients.

Applicant or eligible recipient	Amount
1 Individual	At least [ <del>\$1,133</del> ] \$1,215 per month but no more than [ <del>\$1,359</del> ] \$1,458 per month.
2 Couple	At least [ <del>\$1,526</del> ] \$1,644 per month but no more than [ <del>\$1,831</del> ] \$1,972 per month.

For purposes of this eligibility calculation, “couple” means an applicant couple or an applicant with an ineligible spouse when income is deemed.

**C.** One hundred thirty-three percent FPL:

Size of budget group	FPL per month
1	\$1,507
2	\$2,030
3	\$2,553
4	\$3,076
5	\$3,599
6	\$4,122
7	\$4,646
8	\$5,169]
1	\$1,616
2	\$2,186
3	\$2,756
4	\$3,325
5	\$3,895
6	\$4,465
7	\$5,035
8	\$5,604

Add [~~\$523~~] \$569 for each additional person in the budget group.

**D.** One hundred thirty-five percent FPL: This income level is used only in the determination of the maximum income limit for a qualified individual 1 (QI1) applicant or eligible recipient. For purposes of this eligibility calculation, “couple” means an applicant couple or an applicant with an ineligible spouse when income is deemed. The following income levels apply:

Applicant or eligible recipient	Amount
1 Individual	At least [\$1,359] <u>\$1,458</u> per month but no more than [\$1,529]
<u>\$1,641</u> per month.	
2 Couple	At least [\$1,831] <u>\$1,972</u> per month but no more than [\$2,060]
<u>\$2,219</u> per month.	

**E. One hundred eighty-five percent FPL:**

Size of budget group	FPL per month
[_____ 1	\$2,096
_____ 2	\$2,823
_____ 3	\$3,551
_____ 4	\$4,279
_____ 5	\$5,006
_____ 6	\$5,734
_____ 7	\$6,462
_____ 8	\$7,189]
_____ 1	\$2,248
_____ 2	\$3,041
_____ 3	\$3,833
_____ 4	\$4,625
_____ 5	\$5,418
_____ 6	\$6,210
_____ 7	\$7,003
_____ 8	\$7,795

Add [\$727] \$792 for each additional person in the budget group.

**F. Two hundred percent FPL:**

Size of budget group	FPL per month
[_____ 1	\$2,265
_____ 2	\$3,052
_____ 3	\$3,839
_____ 4	\$4,625
_____ 5	\$5,412
_____ 6	\$6,199
_____ 7	\$6,985
_____ 8	\$7,772]
_____ 1	\$2,430
_____ 2	\$3,287
_____ 3	\$4,144
_____ 4	\$5,000
_____ 5	\$5,857
_____ 6	\$6,714
_____ 7	\$7,570
_____ 8	\$8,427

Add [\$787] \$857 for each additional person in the budget group.

**G. Two hundred thirty-five percent FPL:**

Size of budget group	FPL per month
[_____ 1	\$2,662
_____ 2	\$3,586
_____ 3	\$4,511
_____ 4	\$5,435
_____ 5	\$6,359
_____ 6	\$7,284
_____ 7	\$8,208
_____ 8	\$9,132]
_____ 1	\$2,856
_____ 2	\$3,862
_____ 3	\$4,869

4	\$5,875
5	\$6,882
6	\$7,889
7	\$8,895
8	\$9,902

Add [~~\$924~~] \$1,007 for each additional person in the budget group.

**H.** Two hundred fifty percent FPL:  
Size of budget group

Size of budget group	FPL per month
[ <del>1</del> ] 1	\$2,832
[ <del>2</del> ] 2	\$3,815
[ <del>3</del> ] 3	\$4,798
[ <del>4</del> ] 4	\$5,782
[ <del>5</del> ] 5	\$6,765
[ <del>6</del> ] 6	\$7,748
[ <del>7</del> ] 7	\$8,732
[ <del>8</del> ] 8	\$9,715]
1	\$3,038
2	\$4,109
3	\$5,180
4	\$6,250
5	\$7,321
6	\$8,392
7	\$9,463
8	\$10,534

Add [~~\$983~~] \$1,071 for each additional person in the budget group.

[8.200.520.11 NMAC - Rp, 8.200.520.11 NMAC, 8/28/2015; A/E, 4/1/2016; A/E, 9/14/2017; A, 2/1/2018; A/E, 5/17/2018; A, 9/11/2018; 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]

**8.200.520.12 COST OF LIVING ADJUSTMENT (COLA) DISREGARD COMPUTATION:** The countable social security benefit without the COLA is calculated using the COLA increase table as follows:

- A. divide the current gross social security benefit by the COLA increase in the most current year; the result is the social security benefit before the COLA increase;
- B. divide the result from Subsection A above by the COLA increase from the previous period or year; the result is the social security benefit before the increase for that period or year; and
- C. repeat Subsection B above for each year, through the year that the applicant or eligible recipient received both social security benefits and supplemental security income (SSI); the final result is the countable social security benefit.

	Period and year	COLA increase	= benefit before
<u>1</u>	2023 Jan - Dec	<u>8.7</u>	<u>Jan 23</u>
[ <del>(1)</del> ] <u>2</u>	2022 Jan - Dec	5.9	Jan 22
[ <del>(2)</del> ] <u>3</u>	2021 Jan - Dec	1.3	Jan 21
[ <del>(3)</del> ] <u>4</u>	2020 Jan - Dec	1.6	Jan 20
[ <del>(4)</del> ] <u>5</u>	2019 Jan - Dec	2.8	Jan 19
[ <del>(5)</del> ] <u>6</u>	2018 Jan - Dec	2.0	Jan 18
[ <del>(6)</del> ] <u>7</u>	2017 Jan - Dec	0.3	Jan 17
[ <del>(7)</del> ] <u>8</u>	2016 Jan - Dec	0	Jan 16
[ <del>(8)</del> ] <u>9</u>	2015 Jan - Dec	1.017	Jan 15
[ <del>(9)</del> ] <u>10</u>	2014 Jan - Dec	1.015	Jan 14
[ <del>(10)</del> ] <u>11</u>	2013 Jan - Dec	1.017	Jan 13
[ <del>(11)</del> ] <u>12</u>	2012 Jan - Dec	1.037	Jan 12

<u>[(12)]</u> 13	2011 Jan - Dec	0	Jan 11
<u>[(13)]</u> 14	2010 Jan - Dec	1	Jan 10
<u>[(14)]</u> 15	2009 Jan - Dec	1	Jan 09
<u>[(15)]</u> 16	2008 Jan - Dec	1.058	Jan 08
<u>[(16)]</u> 17	2007 Jan - Dec	1.023	Jan 07
<u>[(17)]</u> 18	2006 Jan - Dec	1.033	Jan 06
<u>[(18)]</u> 19	2005 Jan - Dec	1.041	Jan 05
<u>[(19)]</u> 20	2004 Jan - Dec	1.027	Jan 04
<u>[(20)]</u> 21	2003 Jan - Dec	1.021	Jan 03
<u>[(21)]</u> 22	2002 Jan - Dec	1.014	Jan 02
<u>[(22)]</u> 23	2001 Jan - Dec	1.026	Jan 01
<u>[(23)]</u> 24	2000 Jan - Dec	1.035	Jan 00
<u>[(24)]</u> 25	1999 Jan - Dec	1.025	Jan 99
<u>[(25)]</u> 26	1998 Jan - Dec	1.013	Jan 98
<u>[(26)]</u> 27	1997 Jan - Dec	1.021	Jan 97
<u>[(27)]</u> 28	1996 Jan - Dec	1.029	Jan 96
<u>[(28)]</u> 29	1995 Jan - Dec	1.026	Jan 95
<u>[(29)]</u> 30	1994 Jan - Dec	1.028	Jan 94
<u>[(30)]</u> 31	1993 Jan - Dec	1.026	Jan 93
<u>[(31)]</u> 32	1992 Jan - Dec	1.03	Jan 92
<u>[(32)]</u> 33	1991 Jan - Dec	1.037	Jan 91
<u>[(33)]</u> 34	1990 Jan - Dec	1.054	Jan 90
<u>[(34)]</u> 35	1989 Jan - Dec	1.047	Jan 89
<u>[(35)]</u> 36	1988 Jan - Dec	1.04	Jan 88
<u>[(36)]</u> 37	1987 Jan - Dec	1.042	Jan 87
<u>[(37)]</u> 38	1986 Jan - Dec	1.013	Jan 86
<u>[(38)]</u> 39	1985 Jan - Dec	1.031	Jan 85

[(39)] 40	1984 Jan - Dec	1.035	Jan 84
[(40)] 41	1982 Jul - 1983 Dec	1.035	Jul 82
[(41)] 42	1981 Jul - 1982 Jun	1.074	Jul 81
[(42)] 43	1980 Jul - 1981 Jun	1.112	Jul 80
[(43)] 44	1979 Jul - 1980 Jun	1.143	Jul 79
[(44)] 45	1978 Jul - 1979 Jun	1.099	Jul 78
[(45)] 46	1977 Jul - 1978 Jun	1.065	Jul 77
[(46)] 47	1977 Apr - 1977 Jun	1.059	Apr 77

[8.200.520.12 NMAC - Rp, 8.200.520.12 NMAC, 8/28/2015; A/E, 1/1/2016; A/E, 3/1/2017; A/E, 5/17/2018; A, 9/11/2018; A, 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]

**8.200.520.13 FEDERAL BENEFIT RATES (FBR) AND VALUE OF ONE-THIRD REDUCTION (VTR):**

Year	Individual FBR	Institution FBR	Individual VTR	Couple FBR	Institution FBR	Couple VTR
1/89 to 1/90	\$368	\$30	\$122.66	\$553	\$60	\$184.33
1/90 to 1/91	\$386	\$30	\$128.66	\$579	\$60	\$193.00
1/91 to 1/92	\$407	\$30	\$135.66	\$610	\$60	\$203.33
1/92 to 1/93	\$422	\$30	\$140.66	\$633	\$60	\$211.00
1/93 to 1/94	\$434	\$30	\$144.66	\$652	\$60	\$217.33
1/94 to 1/95	\$446	\$30	\$148.66	\$669	\$60	\$223.00
1/95 to 1/96	\$458	\$30	\$152.66	\$687	\$60	\$229.00
1/96 to 1/97	\$470	\$30	\$156.66	\$705	\$60	\$235.00
1/97 to 1/98	\$484	\$30	\$161.33	\$726	\$60	\$242.00
1/98 to 1/99	\$494	\$30	\$164.66	\$741	\$60	\$247.00
1/99 to 1/00	\$500	\$30	\$166.66	\$751	\$60	\$250.33
1/00 to 1/01	\$512	\$30	\$170.66	\$769	\$60	\$256.33
1/01 to 1/02	\$530	\$30	\$176.66	\$796	\$60	\$265.33
1/02 to 1/03	\$545	\$30	\$181.66	\$817	\$60	\$272.33
1/03 to 1/04	\$552	\$30	\$184.00	\$829	\$60	\$276.33
1/04 to 1/05	\$564	\$30	\$188	\$846	\$60	\$282.00
1/05 to 1/06	\$579	\$30	\$193	\$869	\$60	\$289.66
1/06 to 1/07	\$603	\$30	\$201	\$904	\$60	\$301.33
1/07 to 1/08	\$623	\$30	\$207.66	\$934	\$60	\$311.33
1/08 to 1/09	\$637	\$30	\$212.33	\$956	\$60	\$318.66
1/09 to 1/10	\$674	\$30	\$224.66	\$1,011	\$60	\$337
1/10 to 1/11	\$674	\$30	\$224.66	\$1,011	\$60	\$337
1/11 to 1/12	\$674	\$30	\$224.66	\$1,011	\$60	\$337
1/12 to 1/13	\$698	\$30	\$232.66	\$1,048	\$60	\$349.33
1/13 to 1/14	\$710	\$30	\$237	\$1,066	\$60	\$355
1/14 to 1/15	\$721	\$30	\$240	\$1,082	\$60	\$361
1/15 to 12/15	\$733	\$30	\$244	\$1,100	\$60	\$367
1/16 to 12/16	\$733	\$30	\$244	\$1,100	\$60	\$367
1/17 to 12/17	\$735	\$30	\$245	\$1,103	\$60	\$368
1/18 to 12/18	\$750	\$30	\$250	\$1,125	\$60	\$375
1/19 to 12/19	\$771	\$30	\$257	\$1,157	\$60	\$386

1/20 to 12/20	\$783	\$30	\$261	\$1,175	\$60	\$392
1/21 to 12/21	\$794	\$30	\$264.66	\$1,191	\$60	\$397
1/22 to 12/22	\$841	\$30	\$280.33	\$1,261	\$60	\$420.50
1/23 to 12/23	\$914	\$30	\$304.66	\$1,371	\$60	\$456.99

A. Ineligible child deeming allocation is [~~\$420.50~~] \$457.

B. Part B premium is [~~\$170.10~~] \$164.90 per month.

C. VTR (value of one third reduction) is used when an individual or a couple lives in the household of another and receives food and shelter from the household or when the individual or the couple is living on his or her own household but receiving support and maintenance from others.

D. The SSI resource standard is \$2000 for an individual and \$3000 for a couple.

[8.200.520.13 NMAC - Rp, 8.200.520.13 NMAC, 8/28/2015; A/E, 1/1/2016; A/E, 3/1/2017; A/E, 5/17/2018; A, 9/11/2018; 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]

**8.200.520.15 SUPPLEMENTAL SECURITY INCOME (SSI) LIVING ARRANGEMENTS:**

A. Individual living in his or her own household who own or rent:

Payment amount: [~~\$841~~] \$914 Individual  
 [~~\$1,261~~] \$1,371 Couple

B. Individual receiving support and maintenance payments: For an individual or couple living in his or her own household, but receiving support and maintenance from others (such as food, shelter or clothing), subtract the value of one third reduction (VTR).

Payment amount: [~~\$841 - \$280.33 = \$560.67~~] \$914 - \$304.66 = \$609.34

Individual

[~~\$1,261 - \$420.50 = \$840.50~~] \$1,371 - \$456.99 = \$914.01

Couple

C. Individual or couple living household of another: For an individual or couple living in another person's household and not contributing his or her pro-rata share of household expenses, subtract the VTR.

Payment amount: [~~\$841 - \$280.33 = \$560.67~~] \$914 - \$304.66 = \$609.34

Individual

[~~\$1,261 - \$420.50 = \$840.50~~] \$1,371 - \$456.99 = \$914.01

Couple

D. Child living in home with his or her parent:

Payment amount: [~~\$841~~] \$914

E. Individual in institution:

Payment amount: \$30.00

[8.200.520.15 NMAC - Rp, 8.200.520.15 NMAC, 8/28/2015; A/E, 3/1/2017; A/E, 5/17/2018; A, 9/11/2018; 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]

**8.200.520.16 MAXIMUM COUNTABLE INCOME FOR INSTITUTIONAL CARE MEDICAID AND HOME AND COMMUNITY BASED WAIVER SERVICES (HCBS) CATEGORIES:** Effective January 1, 2022, the maximum countable monthly income standard for institutional care medicaid and the home and community based waiver categories is [~~\$2,523~~] \$2,742.

[8.200.520.16 NMAC - Rp, 8.200.520.16 NMAC, 8/28/2015; A/E, 3/1/2017; A/E, 5/17/2018; A, 9/11/2018; 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]

**8.200.520.20 COVERED QUARTER INCOME STANDARD:**

Date	Calendar Quarter Amount
Jan. 2023 - Dec. 2023	\$1,640 per calendar quarter
Jan. 2022 - Dec. 2022	\$1,510 per calendar quarter
Jan. 2021 - Dec. 2021	\$1,470 per calendar quarter
Jan. 2020 - Dec. 2020	\$1,410 per calendar quarter
Jan. 2019 - Dec. 2019	\$1,360 per calendar quarter
Jan. 2018 - Dec. 2018	\$1,320 per calendar quarter
Jan. 2017 - Dec. 2017	\$1,300 per calendar quarter



Jan. 2016 - Dec. 2016	\$1,260 per calendar quarter
Jan. 2015 - Dec. 2015	\$1,220 per calendar quarter
Jan. 2014 - Dec. 2014	\$1,200 per calendar quarter
Jan. 2013 - Dec. 2013	\$1,160 per calendar quarter
Jan. 2012 - Dec. 2012	\$1,130 per calendar quarter
Jan. 2011 - Dec. 2011	\$1,120 per calendar quarter
Jan. 2010 - Dec. 2010	\$1,120 per calendar quarter
Jan. 2009 - Dec. 2009	\$1,090 per calendar quarter
Jan. 2008 - Dec. 2008	\$1,050 per calendar quarter
Jan. 2007 - Dec. 2007	\$1,000 per calendar quarter
Jan. 2006 - Dec. 2006	\$970 per calendar quarter
Jan. 2005 - Dec. 2005	\$920 per calendar quarter
Jan. 2004 - Dec. 2004	\$900 per calendar quarter
Jan. 2003 - Dec. 2003	\$890 per calendar quarter
Jan. 2002 - Dec. 2002	\$870 per calendar quarter

[8.200.520.20 NMAC - Rp, 8.200.520.20 NMAC, 8/28/2015; A/E, 1/1/2016; A/E, 03/01/2017; A/E, 5/17/2018; A, 9/11/2018; 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]