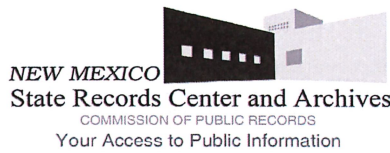


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# NMAC

## 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.

If materials are attached, has copyright permission been received? Yes  No  Public domain

### Specific statutory or other authority authorizing rulemaking:

The proposed rule change to PACE was to reference the correct NMAC section in the rule. The original PACE rule cited an incorrect NMAC section. The proposed rule corrected this.

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.

There was no public comment received on this correction so the rule is being adopted as proposed.

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...

11/14/2022

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This is an amendment to 8.280.500 NMAC, Sections 8, 9, 11 and 23, effective 12/1/2022.

**8.280.500.8** ~~[RESERVED]~~ **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.

[8.280.500.8 NMAC - N, 12/1/2022]

**8.280.500.9** **NEED DETERMINATION:** Eligibility for PACE is determined prospectively. Applicants/recipients must meet, or expect to meet, all financial eligibility criteria in the month for which a determination of eligibility is made. Applicants for and recipients of medicaid through PACE must apply for, and take all necessary steps to obtain, any income or resources to which they may be entitled. Such steps must be taken within ~~thirty (30)~~ 30 days of the date the human services department (HSD) furnishes notice of the potential entitlement. Failure or refusal to apply for and take all necessary steps to determine eligibility for other benefits after notice is received results in an applicant/recipient becoming ineligible for medicaid.

**A.** Applicants/recipients who have elected a lower ~~[VA]~~ veterans affairs (VA) payment do not need to reapply for veteran's administration improved pension (VAIP) benefits.

**B.** Crime victims are not required to accept victim's compensation payments from a state-administered fund as a condition of medicaid eligibility.

[8.280.500.9 NMAC - Rp, 8 NMAC 4.PAC.500, 12/1/2006; A, 12/1/2022]

**8.280.500.11** **APPLICABLE RESOURCE STANDARDS:** An applicant/recipient is eligible for medicaid on the factor of resources if countable resources do not exceed ~~[two thousand dollars (\$2,000)]~~ \$2,000. See 8.281.500.11 NMAC.

[8.280.500.11 NMAC - Rp, 8 NMAC 4.PAC.511, 12/1/2006; A, 12/1/2022]

**8.280.500.23** **MEDICAL CARE CREDIT:** There are medical care credits in PACE only when a PACE recipient enters a nursing facility. See ~~[8.281.500.23]~~ 8.281.500.22 NMAC.

[8.280.500.23 NMAC - Rp, 8 NMAC 4.PAC.530, 12/1/2006; A, 12/1/2022]