

**TITLE 8 SOCIAL SERVICES**  
**CHAPTER 292 MEDICAID ELIGIBILITY - PARENT CARETAKER**  
**PART 400 RECIPIENT REQUIREMENTS**

**8.292.400.1 ISSUING AGENCY:** New Mexico Human Services Department (HSD).  
[8.292.400.1 NMAC - Rp, 8.292.400.1 NMAC, 1/1/2014]

**8.292.400.2 SCOPE:** The rule applies to the general public.  
[8.292.400.2 NMAC - Rp, 8.292.400.2 NMAC, 1/1/2014]

**8.292.400.3 STATUTORY AUTHORITY:** The New Mexico medicaid program is 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 NMSA 1978, Section 27-1-12 et seq.  
[8.292.400.3 NMAC - Rp, 8.292.400.3 NMAC, 1/1/2014]

**8.292.400.4 DURATION:** Permanent.  
[8.292.400.4 NMAC - Rp, 8.292.400.4 NMAC, 1/1/2014]

**8.292.400.5 EFFECTIVE DATE:** January 1, 2014, unless a later date is cited at the end of a section.  
[8.292.400.5 NMAC - Rp, 8.292.400.5 NMAC, 1/1/2014]

**8.292.400.6 OBJECTIVE:** The objective of this rule is to provide eligibility guidelines when determining eligibility for the medical assistance division (MAD) medicaid program and other health care programs it administers. Processes for establishing and maintaining this category of eligibility are found in the affordable care general provision chapter located at 8.291.400 NMAC through 8.291.430 NMAC.  
[8.292.400.6 NMAC - Rp, 8.292.400.6 NMAC, 1/1/2014]

**8.292.400.7 DEFINITIONS:** Refer to 8.291.400.7 NMAC.  
[8.292.400.7 NMAC - Rp, 8.292.400.7 NMAC, 1/1/2014]

**8.292.400.8 MISSION:** ~~[To reduce the impact of poverty on people living in New Mexico by providing support services that help families break the cycle of dependency on public assistance.]~~ [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.](#)  
[8.292.400.8 NMAC - Rp, 8.292.400.8 NMAC, 1/1/2014; A, xx/xx/xxxx]

**8.292.400.9 WHO CAN BE A RECIPIENT:** To be eligible, an individual must meet specific eligibility requirements:

~~**A.** The individual must be a biological, step or adoptive parent of a child, provided they live with the child. There is a presumption that a child born to a married woman is the child of the husband.~~

~~**B.** When the parent does not live with the child, specified relative(s) within the fifth degree of relationship by blood, marriage or adoption, as determined by New Mexico statute Chapter 45—Uniform Probate Code, who live with the child are evaluated as a specified relative caretaker(s). Refer to the relationship section in 8.291.410 NMAC.~~

~~**C.** A parent caretaker(s) whose only dependent child is an SSI recipient under age 18 may be an eligible recipient. If the parent does not live in the household, then the specified relative may be an eligible recipient.~~

~~**D.** An individual who meets the eligibility requirements pursuant to 8.291.400 through 8.291.430 NMAC.~~

~~**E.** Prior to the parent caretaker individual becoming an eligible recipient, all children listed on an application must meet the following:~~

~~**(1)** be evaluated for eligibility for a medicaid program if not already eligible; or~~

~~**(2)** if not medicaid eligible, have current health insurance coverage that meets criteria as a qualified health plan.]~~

**A.** [In accordance with 42 Code of Federal Regulations \(CFR\) 435.4 an individual must be a parent or caretaker relative defined as a relative of a dependent child by blood, adoption, or marriage with whom the child is](#)

living, who assumes primary responsibility for the child's care (as may, but is not required to, be indicated by claiming the child as a tax dependent for federal income tax purposes), and who is one of the following:

(1) the child's father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece;

(2) the spouse of such parent or relative, even after the marriage is terminated by death or divorce;

(3) another relative of the child based on blood (including those of half-blood), adoption, or marriage within the fifth degree of relationship. Refer to the relationship section in 8.291.410.12(C) NMAC.

B. In accordance with 42 CFR 435.4 a dependent child is defined as one who meets both of the following criteria:

(1) is under the age of 18, or;

(2) is age 18 and a full-time student in secondary school (or equivalent vocational or technical training), if before attaining age 19 the child may reasonably be expected to complete such school or training.

C. An individual who meets the eligibility requirements pursuant to 8.291.400 through 8.291.430 NMAC.

D. Prior to the parent caretaker individual becoming an eligible recipient, all children listed on an application must meet the following:

(1) be evaluated for eligibility for a medicaid program if not already eligible; or

(2) if not medicaid eligible, have current health insurance coverage that meets criteria as a qualified health plan.

[8.292.400.9 NMAC - Rp, 8.292.400.9 NMAC, 1/1/2014; A, xx/xx/xxxx]

**8.292.400.10 PARENT CARETAKER ASSISTANCE UNIT AND BUDGET GROUP:** To be considered in a parent caretaker assistance unit, an individual must apply and be determined eligible. Individuals living with the parent caretaker who meet criteria in 8.291.430 NMAC are included in the budget group.

[8.292.400.10 NMAC - Rp, 8.292.400.10 NMAC, 1/1/2014]

#### **HISTORY OF 8.292.400 NMAC:**

##### **History of Repealed Material:**

8.292.400 NMAC, Recipient Requirements, filed 9/17/2013 - Duration expired 12/31/2013.