

TITLE 8 SOCIAL SERVICES
CHAPTER 295 MEDICAID ELIGIBILITY - CHILDREN UNDER 19
PART 500 INCOME AND RESOURCE STANDARDS

8.295.500.1 ISSUING AGENCY: New Mexico Human Services Department (HSD).
[8.295.500.1 NMAC - Rp, 8.295.500.1 NMAC, 1/1/2014]

8.295.500.2 SCOPE: The rule applies to the general public.
[8.295.500.2 NMAC - Rp, 8.295.500.2 NMAC, 1/1/2014]

8.295.500.3 STATUTORY AUTHORITY: The New Mexico medicaid program is administered pursuant to regulations promulgated by the federal department of health and human services under Titles XIX and XXI of the Social Security Act as amended or by state statute. See NMSA 1978, Section 27-1-12 et seq.
[8.295.500.3 NMAC - Rp, 8.295.500.3 NMAC, 1/1/2014]

8.295.500.4 DURATION: Permanent.
[8.295.500.4 NMAC - Rp, 8.295.500.4 NMAC, 1/1/2014]

8.295.500.5 EFFECTIVE DATE: January 1, 2014, unless a later date is cited at the end of a section.
[8.295.500.5 NMAC - Rp, 8.295.500.5 NMAC, 1/1/2014]

8.295.500.6 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.
[8.295.500.6 NMAC - Rp, 8.295.500.6 NMAC, 1/1/2014]

8.295.500.7 DEFINITIONS: Refer to 8.291.400.7 NMAC.
[8.295.500.7 NMAC - Rp, 8.295.500.7 NMAC, 1/1/2014]

8.295.500.8 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.](#)
[8.295.500.8 NMAC - Rp, 8.295.500.8 NMAC, 1/1/2014; A, xx/xx/xxxx]

8.295.500.9 RESOURCE STANDARDS: Resources are not an eligibility factor for this category of eligibility.
[8.295.500.9 NMAC - Rp, 8.295.500.9 NMAC, 1/1/2014]

8.295.500.10 INCOME STANDARD:

A. Financial eligibility: An individual's financial eligibility is based on the rules in this chapter and 8.291.430 NMAC.

B. Income test: In order to become eligible for children's medicaid, the total countable income of the budget group must be less than the income standard for eligibility found at 8.291.430 NMAC.

(1) If the assistance unit consists of a child under the age of six, the assistance unit and budget group's countable income must be less than ~~[300]~~ [three hundred](#) percent of FPL for the countable household size.

(2) If the assistance unit consists of a child age six to age 19, the assistance unit and budget group's countable income must be less than ~~[240]~~ [two hundred and forty](#) percent of FPL for the countable household size.

[8.295.500.10 NMAC - Rp, 8.295.500.10 NMAC, 1/1/2014]

8.295.500.11 INCOME ELIGIBILITY: ~~[Income from a 30 day period is used to determine eligibility. Income from a terminated source is not counted. If an amount of income is received less frequently than monthly,~~

~~that amount is converted by dividing the total income by the number of months the income is intended to cover. Income received more frequently than monthly will be converted using the following multipliers:~~

- ~~— A. — four (paid weekly);~~
- ~~— B. — two (paid biweekly/semi-monthly).]~~

Income methodology is based on modified adjusted gross income (MAGI) in accordance with 42 Code of Federal Regulations (CFR) 435.603. Per 42 CFR 435.603(h)(2) HSD bases financial eligibility on current monthly household income and family size. Current monthly household income is defined as a 30-day period. If an amount of income is received less frequently than monthly, that amount is converted by dividing the total income by the number of months the income is intended to cover.

[8.295.500.11 NMAC - Rp, 8.295.500.11 NMAC, 1/1/2014; A, xx/xx/xxxx]

8.295.500.12 DISREGARDS: An income disregard according to 8.291.430 NMAC, will be given only to the following:

A. individuals whose budget group's countable MAGI income is at or above ~~[190]~~ one hundred and ninety percent of the FPL if the assistance unit consists of a child age six to age 19, or ~~[240]~~ two hundred and forty percent of the FPL if the assistance unit consists of a child under the age of six; when a child has a QHP, an income disregard will be given when the existence of the QHP makes the individual ineligible due to CHIP requirements found at 8.295.400 NMAC; or

B. individuals whose budget group's countable MAGI income is at or above ~~[240]~~ two hundred and forty percent of the FPL if the assistance unit consists of a child age six to age 19, or ~~[300]~~ three hundred percent of the FPL if the assistance unit consists of a child under the age of six.

[8.295.500.12 NMAC - Rp, 8.295.500.12 NMAC, 1/1/2014; A, xx/xx/xxxx]

HISTORY OF 8.295.500 NMAC:

History of Repealed Material:

8.295.500 NMAC, Income and Resource Standards, filed 9/17/2013 - Duration expired 12/31/2013.