



State of New Mexico  
Human Services Department  
Human Services Register



**I. DEPARTMENT**

NEW MEXICO HUMAN SERVICES DEPARTMENT

**II. SUBJECT**

NEWBORN ELIGIBILITY

**III. PROGRAM AFFECTED**

(TITLE XIX) MEDICAID

**IV. ACTION**

PROPOSED REGULATIONS

**V. BACKGROUND SUMMARY**

The Human Services Department is proposing changes to Newborn Medicaid (Category 031) program policy. The Children's Health Insurance Program Reauthorization Act of 2009 eliminates the Medicaid requirement that to receive coverage the newborn has to live with the mother. Additionally, because of Newborn Medicaid (category 031) status documentation of citizenship and identity are considered met at the first and all subsequent re-certifications.

**VI. REGULATIONS**

These proposed rule changes refer to 8.231.400 NMAC and 8.231.600 NMAC of the Medical Assistance Eligibility Manual. This register and the proposed changes are available on the Medical Assistance Division web site at [www.hsd.state.nm.us/mad/register](http://www.hsd.state.nm.us/mad/register). If you do not have Internet access, a copy of the regulations may be requested by contacting the Medical Assistance Division at 827-3156.

**VII. EFFECTIVE DATE**

The Department proposes to implement these regulations effective March 1, 2010.

**VIII. PUBLIC HEARING**

A public hearing to receive testimony on these proposed regulations will be held at 10:00 a.m. on January 14, 2010 in the HSD Law Library at Pollon Plaza, 2009 S. Pacheco Street, Santa Fe, New Mexico.

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact the Division toll free at 1-888-997-2583 and ask for extension 7-3156. In Santa Fe call 827-3156. The

Department's TDD system may be accessed toll-free at 1-800-659-8331 or in Santa Fe by calling 827-3184. The Department requests at least ten (10) days advance notice to provide requested alternative formats and special accommodations.

#### **IX. ADDRESS**

Interested persons may address written or recorded comments to:

Pamela S. Hyde, J.D., Secretary  
Human Services Department  
P.O. Box 2348  
Santa Fe, New Mexico 87504-2348

These comments must be received no later than 5:00 p.m. on January 14, 2010. Written and recorded comments will be given the same consideration as oral comments made at the public hearing. Interested persons may also address comments via electronic mail to:

[Magdalena.Romero@state.nm.us](mailto:Magdalena.Romero@state.nm.us).

#### **X. PUBLICATIONS**

Publication of these regulations approved by:

PAMELA S. HYDE, J.D., SECRETARY  
HUMAN SERVICES DEPARTMENT

**TITLE 8 SOCIAL SERVICES**  
**CHAPTER 231 MEDICAID ELIGIBILITY - INFANTS OF MOTHERS WHO ARE MEDICAID**  
**ELIGIBLE (CATEGORY 031)**  
**PART 400 RECIPIENT POLICIES**

**8.231.400.8 MISSION:** To reduce the impact of poverty on people living in New Mexico and to assure low income and disabled individuals in New Mexico equal participation in the life of their communities.

[8.231.400.8 NMAC - N, 3/1/10]

**8.231.400.10 BASIS FOR DEFINING THE GROUP:** The infant is eligible for medicaid for 12 months starting with the month of birth, as long as the following conditions are met:

- A. the mother remains eligible for medicaid or would be eligible if she were still pregnant; or
- B. the mother was approved for emergency medical services for undocumented aliens for the birth and delivery of the infant; and

~~[C. the infant remains a member of the mother's household; and]~~

[D.] C. ~~[both mother and]~~ the infant ~~[continue]~~ continues to reside in New Mexico.

[2/1/95; 8.231.400.10 NMAC - Rn, 8 NMAC 4.NBN.402 & A, 1/1/08; A, 3/1/10]

**8.231.400.13 CITIZENSHIP:** ~~[Refer to medical assistance eligibility manual, 200.410NMAC Documentation of citizenship and identity is required at the first re-determination.]~~ An eligible newborn is considered to have met the citizenship and identity requirements.

[2/1/95, 4/30/98; 8.231.400.13 NMAC - Rn, 8 NMAC 4.NBN.412 & A, 1/1/08; A, 3/1/10]

**HISTORY OF 8.231.400 NMAC:**

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center. ISD 290.1000, Medical Assistance for Woman and Children, filed 11/13/84.

ISD FA 830, Medical Assistance for Woman and Children and AFDC Related Groups, filed 2/10/88.

MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups, filed 8/11/88.

MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups; filed 9/8/88.

MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups; filed 9/30/88.

MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups; filed 12/1/88.

MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups; filed 3/31/89.

MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups; filed 6/8/89.

MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups; filed 12/28/89.

MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups; filed 12/29/89.

MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups; filed 3/1/91.

MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups; filed 6/5/92.

History of Repealed Material:

MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups; filed 6/5/92 - Repealed effective 2/1/95.

**TITLE 8 SOCIAL SERVICES**  
**CHAPTER 231 MEDICAID ELIGIBILITY - INFANTS OF MOTHERS WHO ARE MEDICAID**  
**ELIGIBLE (CATEGORY 031)**  
**PART 600 BENEFIT DESCRIPTION**

**8.231.600.8** **MISSION:** To reduce the impact of poverty on people living in New Mexico and to assure low income and disabled individuals in New Mexico equal participation in the life of their communities.  
[8-231-600 NMAC - N, 3-1-10]

**8.231.600.12** **ONGOING BENEFITS:** A newborn remains eligible for assistance under category 031 for up to ~~twelve (12)~~ 12 months, as long as ~~[all of the following apply]~~ the newborn remains in New Mexico[  
~~A. the mother remains eligible for New Mexico medicaid or would be eligible if she were still pregnant;~~  
~~B. [the newborn remains in the mother's household unit; and~~  
~~C. both the mother and newborn remain in New Mexico.]~~  
[2/1/95; 8.231.600.12 NMAC - Rn, 8 NMAC 4.NBN.624, 1/1/08; A, 3/1/10]

**HISTORY OF 8.231.600 NMAC:**

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center. ISD 290.1000, Medical Assistance for Woman and Children, filed 11/13/84.  
ISD FA 830, Medical Assistance for Woman and Children and AFDC Related Groups, filed 2/10/88.  
MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups, filed 8/11/88.  
MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups; filed 9/8/88.  
MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups; filed 9/30/88.  
MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups; filed 12/1/88.  
MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups; filed 3/31/89.  
MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups; filed 6/8/89.  
MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups; filed 12/28/89.  
MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups; filed 12/29/89.  
MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups; filed 3/1/91.  
MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups; filed 6/5/92.

History of Repealed Material:

MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups; filed 6/5/92 - Repealed effective 2/1/95.