



**State of New Mexico  
Human Services Department  
Human Services Register**



**I. DEPARTMENT**

NEW MEXICO HUMAN SERVICES DEPARTMENT (HSD)

**II. SUBJECT**

8.200.510 NMAC *MEDICAID ELIGIBILITY - RESOURCE STANDARDS*

**III. PROGRAM AFFECTED**

(TITLE XIX) MEDICAID

**IV. ACTION**

FINAL RULE

**V. BACKGROUND SUMMARY**

In New Mexico Human Services Register Vol. 37, No. 3 dated January 22, 2014, the Department stated that as of effective January 1, 2014 the “the amount of personal needs allowance will increase from \$67 per month to \$68 per month.”

This was incorrect, as this update will not be effective until July 2014. The Department regrets the error and has updated Section 12 of 8.200.510 NMAC to reflect that the personal needs allowance is \$67 per month.

**VI. RULES**

The above referenced rule will be contained in the Medical Assistance Division Program Eligibility Policy Manual. All manual sections are available on the Medical Assistance Division web site at <http://www.hsd.state.nm.us/LookingForInformation/registers.aspx> and the corresponding rules posted at on our website at <http://www.hsd.state.nm.us/LookingForInformation/medical-assistance-division-1.aspx> . If you do not have internet access, a copy of the rules may be requested by contacting the Medical Assistance Division at 505-827-3152.

**VII. EFFECTIVE DATE**

This rule is effective April 1, 2014.

**VIII. PUBLICATION**

Publication of these rules approved by:

Sidonie Squier 3/18/14  
SIDONIE SQUIER, SECRETARY  
HUMAN SERVICES DEPARTMENT

This is an amendment to 8.200.510 NMAC, Section 12, effective April 1, 2014.

**8.200.510.12 POST-ELIGIBILITY CALCULATION (MEDICAL CARE CREDIT):** Apply applicable deductions in the order listed below when determining the medical care credit for an institutionalized spouse.

<u>DEDUCTION</u>	<u>AMOUNT</u>
A. Personal needs allowance for institutionalized spouse	<del>[\$68]</del> \$67
B. Minimum monthly maintenance needs allowance (MMMNA)	\$1,939
C. The community spouse monthly income allowance (CSMIA) is calculated by subtracting the community spouse's gross income from the MMMNA:	

(1) If allowable shelter expenses of the community spouse exceed \$582 deduct an excess shelter allowance from community spouse's income that includes: expenses for rent; mortgage (including interest and principal); taxes and insurance; any maintenance charge for a condominium or cooperative; and an amount for utilities (if not part of maintenance charge above); use the standard utility allowance (SUA) deduction used in the food stamp program for the utility allowance.

(2) Excess shelter allowance may not exceed a maximum of \$992.

D. Any extra maintenance allowance ordered by a court of jurisdiction or a state administrative hearing officer.

E. Dependent family member income allowance (if applicable) calculated as follows:  $1/3 \times$  MMMNA - dependent member's income).

F. Non-covered medical expenses.

G. The maximum total of the community spouse monthly income allowance and excess shelter deduction may not exceed \$2,898.

[1-1-95, 7-1-95, 3-30-96, 8-31-96, 4-1-97, 6-30-97, 4-30-98, 6-30-98, 1-1-99, 7-1-99, 7-1-00; 8.200.510.12 NMAC - Rn, 8 NMAC 4.MAD.510.2 & A, 1-1-01, 7-1-01; A, 1-1-02; A, 7-1-02; A, 1-1-03; A, 7-1-03; A, 1-1-04; A, 7-1-04; A, 1-1-05; A, 7-1-05; A, 1-1-06; A, 7-1-06; A, 1-1-07; A, 7-1-07; A, 1-1-08; A, 7-1-08, A, 1-1-09, A, 4-1-09; A, 7-1-09; A, 7-1-11; A, 1-1-12; A, 7-1-12; A, 7-1-13; A, 2-14-14; A, 4-1-14]