



State of New Mexico
Human Services Department
Human Services Register



I. DEPARTMENT

NEW MEXICO HUMAN SERVICES DEPARTMENT (HSD)

II. SUBJECT

- 8.227.600 NMAC, *Transitional Medicaid Eligibility - Loss of JUL Family Medicaid Due to Child or Spousal Support, Benefit Description,*
8.228.600 NMAC, *Transitional Medicaid Eligibility - Loss of JUL Family Medicaid, Benefit Description,*
8.291.410 NMAC, *Medicaid Eligibility - Affordable Care, General Recipient Requirements,*
8.291.430 NMAC, *Medicaid Eligibility - Affordable Care, Financial Responsibility Requirements and*
8.293.500 NMAC, *Medicaid Eligibility - Pregnant Women, Income and Resource Standards*

III. PROGRAM AFFECTED
(TITLE XIX) MEDICAID

IV. ACTION
FINAL RULE

V. BACKGROUND SUMMARY

In New Mexico Human Services Register Vol. 37, No. 32 dated April 15, 2014, the Human Services Department (the Department) issued proposed amendments to the following rules as part of the New Mexico Administrative Code (NMAC): 8.227.600 NMAC, *Transitional Medicaid Eligibility - Loss of JUL Family Medicaid Due to Child or Spousal Support, Benefit Description*, 8.228.600 NMAC, *Transitional Medicaid Eligibility - Loss of JUL Family Medicaid, Benefit Description*, 8.291.410 NMAC, *Medicaid Eligibility - Affordable Care, General Recipient Requirements*, 8.291.430 NMAC *Financial Responsibility Requirements*, and 8.293.500 NMAC, *Medicaid Eligibility - Pregnant Women, Income and Resource Standards*.

A public hearing was held on Wednesday, May 14, 2014, to receive public testimony on these proposed rules. The Department received no written comments, no recorded comments or public testimony. This register summarizes the final changes to these rules.

- The Department included 8.291.400 NMAC, *Medicaid Eligibility - Affordable Care, Eligibility Requirements* in its proposed register; however, its inclusion was in error. The Notice Rule Making listed the correct NMAC rule citations and the accompanying proposed rules to the proposed register did not include this rule.
- The Department did not in the subject heading of the proposed register-Volume 37, No. 32, dated April 15, 2014, include 8.291.400 NMAC, *Medicaid Eligibility - Affordable Care, Eligibility Requirements*; however, this proposed rule was discussed in the background heading of the same register, as well as cited in the Notice Rule Making, and was included in the accompanying proposed rules to the proposed register.
- In Section 9 of 8.227.600 NMAC, the final rule removed the following sentence:
- *“Effective January 1, 2014, the loss of JUL family medicaid from increased child or spousal support will not qualify recipients for transitional medicaid.”*
- The final rule clarifies in 8.227.600 NMAC and 8.228.600 NMAC that JUL Medicaid remains an active category of eligibility for existing eligible recipients and removed this sentence, *“current JUL Medicaid recipients may be eligible for Transitional Medicaid”*.
- In Section 9 of 8.228.600 NMAC, the final rule removed the following sentence: *“Effective January 1, 2014, the loss of JUL medicaid from increased earnings from employment does not qualify recipients for transitional medicaid.”*
- In Section 15 of 8.291.410 NMAC, the final rule includes the following sentence: *“An individual may be temporarily absent from the state if the person intends to return when the purpose of the absence has been accomplished, unless another state has determined the individual is a resident there for purposes of Medicaid.”* The addition of this sentence clarifies that if another state has determined eligibility for Medicaid, the person will be considered absent from the state.
- In Section 11 of 8.291.430 NMAC, the final rule includes the monthly income limit for the Pregnant Women category of eligibility. In Section 10 and 13 of 8.293.500 NMAC, the final rule clarifies language for consistency with 8.291.430 NMAC. The income standard for Pregnant Women is currently up to 138% of the Federal Poverty Level (FPL). Since New Mexico did not have the 138% FPL standard in place prior to January 1, 2014, the Centers for Medicare and Medicaid Services (CMS) will not allow the state to increase the FPL for Pregnant Women up to 138% FPL. As a result New Mexico must use the same fixed dollar amount per household size that is used for the Parent/Caretaker category which approximates to about 47% FPL. Pregnant women above the income standard for Pregnant Women can still qualify for Pregnancy-Related Services up to 250% FPL.

VI. RULES

The above referenced rules will be contained in the Medical Assistance Division Program Eligibility Rule 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 505-827-7743.

VII. EFFECTIVE DATE

These rules are effective July 1, 2014.

VIII. PUBLICATION

Publication of these rules approved by:



SIDONIE SQUIER, SECRETARY
HUMAN SERVICES DEPARTMENT