

MEDICAID ELIGIBILITY – LOSS OF SSI – INCOME OR RESOURCES
AVAILABLE FROM A STEPPARENT (CATEGORY 034)
RECIPIENT POLICIES

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MAD-MR:

EFF DATE: 9-16-13

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**TITLE 8 SOCIAL SERVICES
CHAPTER 234 MEDICAID ELIGIBILITY - LOSS OF SSI - INCOME OR RESOURCES AVAILABLE
FROM A STEPPARENT (CATEGORY 034)
PART 400 RECIPIENT POLICIES**

8.234.400.1 ISSUING AGENCY: New Mexico Human Services Department.
[2/1/95; 8.234.400.1 NMAC - Rn, 8 NMAC 4.ISS.000.1, 9-15-13]

8.234.400.2 SCOPE: The rule applies to the general public.
[2/1/95; 8.234.400.2 NMAC - Rn, 8 NMAC 4.ISS.000.2, 9-15-13]

8.234.400.3 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 and by the state human services department pursuant to state statute. See Section 27-2-12 et seq. NMSA 1978 (Repl. Pamp. 1991).
[2/1/95; 8.234.400.3 NMAC - Rn, 8 NMAC 4.ISS.000.3, 9-15-13]

8.234.400.4 DURATION: Permanent
[2/1/95; 8.234.400.4 NMAC - Rn, 8 NMAC 4.ISS.000.4, 9-15-13]

8.234.400.5 EFFECTIVE DATE: February 1, 1995
[2/1/95; 8.234.400.5 NMAC - Rn, 8 NMAC 4.ISS.000.5, 9-15-13]

8.234.400.6 OBJECTIVE: The objective of these regulations is to provide eligibility policy and procedures for the medicaid program.
[2/1/95; 8.234.400.6 NMAC - Rn, 8 NMAC 4.ISS.000.6, 9-15-13]

8.234.400.7 DEFINITIONS: [RESERVED]

8.234.400.8 [RESERVED]

8.234.400.9 SSI INELIGIBILITY DUE TO DEEMED INCOME/RESOURCES FROM STEPPARENT:
- CATEGORY 034: Applicants/recipients who are ineligible for supplemental security income (SSI) solely because of deemed income or resources considered available from a stepparent can be eligible for medicaid. Determination of SSI ineligibility is made by the social security administration.
[2/1/95, 4/30/98; 8.234.400.9 NMAC - Rn, 8 NMAC 4.ISS.400, 9-15-13]

8.234.400.10 GENERAL RECIPIENT REQUIREMENTS:
[2/1/95; 8.234.400.10 NMAC - Rn, 8 NMAC 4.ISS.410, 9-15-13]

8.234.400.11 ENUMERATION: An applicant/recipient for category 034 must furnish their social security account number. Medicaid eligibility is denied or terminated for an applicant/recipient who fails to furnish his/her social security number.
[2/1/95; 8.234.400.11 NMAC - Rn, 8 NMAC 4.ISS.411, 9-15-13]

8.234.400.12 CITIZENSHIP: To be eligible for this medicaid category, an applicant/recipient must be citizen of the United States or an alien who is lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law.
[2/1/95, 4/30/98; 8.234.400.12 NMAC - Rn, 8 NMAC 4.ISS.412, 9-15-13]

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8.234.400.13 RESIDENCE: To be eligible for medicaid, an applicant/recipient must be physically present in New Mexico on the date of application or final determination of eligibility and must have demonstrated intent to remain in the state. A temporary absence from the state does not prevent eligibility. A temporary absence exists if the applicant/recipient leaves the state for a specific purpose with a time-limited goal, and intends to return to New Mexico when the purpose is accomplished.

[2/1/95; 8.234.400.13 NMAC - Rn, 8 NMAC 4.ISS.413, 9-15-13]

8.234.400.14 SPECIAL RECIPIENT REQUIREMENTS:

[2/1/95; 8.234.400.14 NMAC - Rn, 8 NMAC 4.ISS.420, 9-15-13]

8.234.400.15 SSI STATUS:

A. An applicant/recipient for category 034 must meet all other SSI eligibility standards, including:

- (1) applicant/recipient’s own income and resources must be below SSI standards;
- (2) nonconcurrent receipt of assistance;
- (3) residence;
- (4) aged, blind, or disabled status; and
- (5) citizenship or permanent alien status.

B. See 8.215.500.11 NMAC, *resource standards* and 8.215.500.18 NMAC, *income*, supplemental security income methodology for information on SSI income and resource standards.

[2/1/95; 8.234.400.15 NMAC - Rn, 8 NMAC 4.ISS.427, 9-15-13]

8.234.400.16 RECIPIENT RIGHTS AND RESPONSIBILITIES: An applicant/recipient is responsible for establishing his/her eligibility for medicaid. As part of this responsibility, the applicant/recipient must provide required information and documents or take the actions necessary to establish eligibility. Failure to do so must result in a decision that eligibility does not exist. An applicant/recipient must also grant the human services department (HSD) permission to contact other persons, agencies or sources of information which are necessary to establish eligibility.

[2/1/95; 8.234.400.16 NMAC - Rn, 8 NMAC 4.ISS.430, 9-15-13]

HISTORY OF 8.234.400 NMAC: [RESERVED]