

INDEX

8.235.500 INCOME AND RESOURCE STANDARDS

8.235.500.1 ISSUING AGENCY1

8.235.500.2 SCOPE1

8.235.500.3 STATUTORY AUTHORITY1

8.235.500.4 DURATION1

8.235.500.5 EFFECTIVE DATE1

8.235.500.6 OBJECTIVE1

8.235.500.7 DEFINITIONS1

8.235.500.8 [RESERVED]1

8.235.500.9 NEED DETERMINATION1

8.235.500.10 RESOURCE STANDARDS1

8.235.500.11 INCOME STANDARDS1

8.235.500.12 DEEMED INCOME2

8.235.500.13 TOTAL COUNTABLE INCOME2

8.235.500.14 LUMP SUM PAYMENTS2

**MEDICAID ELIGIBILITY
PREGNANCY AND/OR FAMILY PLANNING SERVICES
CATEGORY 035**

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TITLE 8 SOCIAL SERVICES
CHAPTER 235 MEDICAID ELIGIBILITY - PREGNANCY AND/OR FAMILY PLANNING SERVICES
(CATEGORY 035)
PART 500 INCOME AND RESOURCE STANDARDS

8.235.500.1 ISSUING AGENCY: New Mexico Human Services Department.
[2/1/95; 8.235.500.1 NMAC - Rn, 8 NMAC 4.PSO.000.1, 6/1/04]

8.235.500.2 SCOPE: The rule applies to the general public.
[2/1/95; 8.235.500.2 NMAC - Rn, 8 NMAC 4.PSO.000.2, 6/1/04]

8.235.500.3 STATUTORY AUTHORITY: The New Mexico medicaid program is administered pursuant to regulations promulgated by the federal department of health and human services under 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; 8.235.500.3 NMAC - Rn, 8 NMAC 4.PSO.000.3, 6/1/04]

8.235.500.4 DURATION: Permanent
[2/1/95; 8.235.500.4 NMAC - Rn, 8 NMAC 4.PSO.000.4, 6/1/04]

8.235.500.5 EFFECTIVE DATE: February 1, 1995, unless a later date is cited at the end of a section.
[2/1/95; 8.235.500.5 NMAC - Rn, 8 NMAC 4.PSO.000.5, 6/1/04; A, 10/1/06]

8.235.500.6 OBJECTIVE: The objective of these regulations is to provide eligibility policy and procedures for the medicaid program.
[2/1/95; 8.235.500.6 NMAC - Rn, 8 NMAC 4.PSO.000.6, 6/1/04]

8.235.500.7 DEFINITIONS: [RESERVED]

8.235.500.8 [RESERVED]

8.235.500.9 NEED DETERMINATION:
[2/1/95; 8.235.500.9 NMAC - Rn, 8 NMAC 4.PSO.500, 6/1/04]

8.235.500.10 RESOURCE STANDARDS: There are no resource standards for this category.
[2/1/95; 8.235.500.10 NMAC - Rn, 8 NMAC 4.PSO.510, 6/1/04]

8.235.500.11 INCOME STANDARDS: The income standard used in the eligibility determination for pregnancy-related services only is 185 percent of the federal poverty income level. The federal poverty level is adjusted annually effective April 1. The income standard is determined by the number of members in the assistance unit. The assistance unit is based on the relationship of individuals in the household to the unborn child(ren) if any. For pregnancy related services, the needs of the unborn child(ren), are included.

A. **Income exclusions:** The income of a stepparent of a minor applicant woman is not considered available unless the income is actually made available to the applicant. If the applicant is a sponsored alien, refer to 8.200.410.11 NMAC.

B. **Earned income deductions and disregards:** Earned income deductions and disregards applicable to the cash assistance program preceding TANF (formerly known as the AFDC program) are used in the eligibility determination for category 035.

(1) **Work related expenses:** A \$90.00 deduction per month is given for each individual in the assistance unit with earned income.

(2) **Child care expenses:** The actual cost of child care, provided the child is under the age of 13, is deducted with the following limitations:

(a) If the wage earner is employed full time (≥ 30 hours per week), deduct up to \$200.00 per month per child under age two years and up to \$175.00 per month per child between the ages two years and twelve years of age.

(b) If the wage earner is employed part time (< 30 hours per week), up to \$100.00 per month is deducted for each child under the age of two and up to \$87.50 is deducted per month for each child from age two through twelve.

(3) **Additional disregard:** Disregard an amount equal to the difference between 185% and 235% federal poverty level for the appropriate assistance unit size if the applicant/recipient's countable income is at or above 185% federal poverty level.

[2/1/95, 6/30/98; 8.235.500.11 NMAC - Rn, 8 NMAC 4.PSO.520, 521.1 & 521.2 & A, 6/1/04; A, 10/1/06]

8.235.500.12 DEEMED INCOME: The gross income of the parent(s) of a minor parent, after certain disregards, is deemed available to a minor parent who lives in her parent's household. The gross income of the unborn's biological father, if living in the household, is deemed available to the applicant. Income deemed available to a minor parent is considered available to the assistance unit to which she belongs.

[2/1/95, 8.235.500.12 NMAC - Rn, 8 NMAC 4.PSO.523 & A, 6/1/04]

8.235.500.13 TOTAL COUNTABLE INCOME: Earned income remaining after the applicable deductions and disregards are taken, together with the gross amount of any unearned income received by the assistance unit, is compared to 185% of the federal poverty level to determine eligibility.

[2/1/95; 8.235.500.13 NMAC - Rn, 8 NMAC 4.PSO.524 & A, 6/1/04]

8.235.500.14 LUMP SUM PAYMENTS: Lump sum payments are considered income in the month received, unless specifically excluded under medicaid regulations. Lump sum payments are considered a resource, if retained, as of the first moment of the first day of the following month.

[2/1/95; 8.235.500.14 NMAC - Rn, 8 NMAC 4.PSO.527, 6/1/04]

HISTORY OF 8.235.500 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.