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**8.249.500      INCOME AND RESOURCE STANDARDS**

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**TITLE 8 SOCIAL SERVICES**  
**CHAPTER 249 MEDICAID ELIGIBILITY - REFUGEES (CATEGORY 049)**  
**PART 500 INCOME AND RESOURCE STANDARDS**

**8.249.500.1 ISSUING AGENCY:** New Mexico Human Services Department.  
[2/1/95; 8.249.500.1 NMAC - Rn, 8 NMAC 4.RMO.000.1, 4/1/10]

**8.249.500.2 SCOPE:** The rule applies to the general public.  
[2/1/95; 8.249.500.2 NMAC - Rn, 8 NMAC 4.RMO.000.2, 4/1/10]

**8.249.500.3 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; 8.249.500.3 NMAC - Rn, 8 NMAC 4.RMO.000.3, 4/1/10]

**8.249.500.4 DURATION:** Permanent  
[2/1/95; 8.249.500.4 NMAC - Rn, 8 NMAC 4.RMO.000.4, 4/1/10]

**8.249.500.5 EFFECTIVE DATE:** February 1, 1995, unless a later date is cited at the end of a section.  
[2/1/95; 8.249.500.5 NMAC - Rn, 8 NMAC 4.RMO.000.5; A/E, 4/1/10]

**8.249.500.6 OBJECTIVE:** The objective of these regulations is to provide eligibility policy and procedures for the medicaid program.  
[2/1/95; 8.249.500.6 NMAC - Rn, 8 NMAC 4.RMO.000.6, 4/1/10]

**8.249.500.7 DEFINITIONS:** [RESERVED]

**8.249.500.8** [RESERVED]

**8.249.500.9 NEED DETERMINATION:**  
[2/1/95; 8.249.500.9 NMAC - Rn, 8 NMAC 4.RMO.500, 4/1/10]

**8.249.500.10 RESOURCE STANDARDS:** There are no resource standards for this category.  
[2/1/95; 8.249.500.10 NMAC - Rn, 8 NMAC 4.RMO.510, 4/1/10]

**8.249.500.11 INCOME STANDARDS:**

**A.** Funding for refugee medical assistance is authorized as specified under Title IV of the Immigration and Nationality Act of 1980. See Section 412(e) of the Immigration and Nationality Act; Section 45 CFR 400.2.

**B.** An applicant for/recipient of refugee medical assistance is eligible in the following instances:

- (1) The applicant's income is below the aid to families with dependent children (AFDC) standard of need after the earned income disregard (EID) is applied. See 8.102.520.10 NMAC, *Earned Income Definition*.
- (2) with the refugee cash assistance program, the applicant must meet the AFDC standard of need, without deduction of the earned income disregard; AFDC income methodology is used in calculating income for category 049 except for income conversion factors which are 4.0 (paid weekly) and 2.0 (paid biweekly);
- (3) the applicant meets all standards for refugee cash assistance, but wishes to receive only refugee medical assistance; or
- (4) the applicant loses eligibility for refugee cash assistance due to earned income may receive up to four months of refugee medical assistance; the total months of refugee assistance cannot exceed the eight month limit.

[2/1/95; 8.249.500.11 NMAC - Rn, 8 NMAC 4.RMO.521; A/E, 4/1/10]

**HISTORY OF 8.249.500 NMAC:**

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center: MAD Rule 822, Refugee Medical Assistance, filed 5/22/92.

History of Repealed Material: MAD Rule 822 Refugee Medical Assistance, filed 5/22/92 - Repealed effective 2/1/95.