

MEDICAID ELIGIBILITY  
REFUGEES WITH SPEND DOWN PROVISION  
CATEGORY 059

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**TITLE 8            SOCIAL SERVICES  
CHAPTER 259    MEDICAID ELIGIBILITY - REFUGEES WITH SPEND DOWN PROVISION  
                      (CATEGORY 059)  
PART 400        RECIPIENT POLICIES**

**8.259.400.1        ISSUING AGENCY:** New Mexico Human Services Department.  
[2/1/95; 8.259.400.1 NMAC - Rn, 8 NMAC 4.RSD.000.1, 7/1/03]

**8.259.400.2        SCOPE:** The rule applies to the general public.  
[2/1/95; 8.259.400.2 NMAC - Rn, 8 NMAC 4.RSD.000.2, 7/1/03]

**8.259.400.3        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; 8.259.400.3 NMAC - Rn, 8 NMAC 4.RSD.000.3, 7/1/03]

**8.259.400.4        DURATION:** Permanent  
[2/1/95; 8.259.400.4 NMAC - Rn, 8 NMAC 4.RSD.000.4, 7/1/03]

**8.259.400.5        EFFECTIVE DATE:** February 1, 1995  
[2/1/95; 8.259.400.5 NMAC - Rn, 8 NMAC 4.RSD.000.5, 7/1/03]

**8.259.400.6        OBJECTIVE:** The objective of these regulations is to provide eligibility policy and procedures for the medicaid program.  
[2/1/95; 8.259.400.6 NMAC - Rn, 8 NMAC 4.RSD.000.6, 7/1/03]

**8.259.400.7        DEFINITIONS:** [RESERVED]

**8.259.400.8        [RESERVED]**

**8.259.400.9        REFUGEE MEDICAL ASSISTANCE SPEND DOWN ONLY - CATEGORY 059:** A refugee applicant can be eligible for medical assistance if his/her income would be below the aid to families with dependent children (AFDC) standard of need after deducting medical expenses incurred and paid in that month. Eligibility for category 059 is determined on a month-to-month basis.  
[2/1/95; 8.259.400.9 NMAC - Rn, 8 NMAC 4.RSD.400, 7/1/03]

**8.259.400.10       BASIS FOR DEFINING THE GROUP:** For refugee medical assistance, a "refugee" is defined as an alien, who because of persecution or fear of persecution on account of race, religion or political opinion, fled from his/her home country and cannot return because of fear of persecution because of race, religion or political opinion.  
[2/1/95; 8.259.400.10 NMAC - Rn, 8 NMAC 4.RSD.402, 7/1/03]

**8.259.400.11       GENERAL RECIPIENT REQUIREMENTS:**  
[2/1/95; 8.259.400.11 NMAC - Rn, 8 NMAC 4.RSD.410, 7/1/03]

**8.259.400.12       ENUMERATION:** To be eligible for this category, an applicant/recipient is not required to have a social security number.  
[2/1/95; 8.259.400.12 NMAC - Rn, 8 NMAC 4.RSD.411, 7/1/03]

**8.259.400.13       CITIZENSHIP:** To be eligible for this category, an applicant/recipient must meet the definition of a refugee. A refugee does not need to be a citizen of the United States to be eligible for medicaid.  
[2/1/95; 8.259.400.13 NMAC - Rn, 8 NMAC 4.RSD.412, 7/1/03]

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**8.259.400.14 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; 8.259.400.14 NMAC – Rn, 8 NMAC 4.RSD.413, 7/1/03]

**8.259.400.15 SPECIAL RECIPIENT REQUIREMENTS:**

[2/1/95; 8.259.400.15 NMAC - Rn, 8 NMAC 4.RSD.420, 7/1/03]

**8.259.400.16 AGE:** Age is not a factor of eligibility under this category.

[2/1/95; 8.259.400.16 NMAC - Rn, 8 NMAC 4.RSD.421, 7/1/03]

**8.259.400.17 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; 8.259.400.17 NMAC - Rn, 8 NMAC 4.RSD.430, 7/1/03]

**8.259.400.18 ASSIGNMENTS OF MEDICAL SUPPORT:** Refer to Medical Assistance Program Manual Subsection F of 8.200.420.12 NMAC.

[2/1/95; 8.259.400.18 NMAC - Rn, 8 NMAC 4.RSD.434 & A, 7/1/03]

**HISTORY OF 8.259.400 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.