

MEDICAID ELIGIBILITY – LOSS OF JUL FAMILY MEDICAID DUE TO EARNED INCOME

BENEFIT DESCRIPTION

Tribal Consultation Version 9.18.13

TITLE 8 SOCIAL SERVICES

CHAPTER 228 MEDICAID ELIGIBILITY - LOSS OF JUL FAMILY MEDICAID DUE TO EARNED INCOME

PART 600 BENEFIT DESCRIPTION

**8.228.600.1 ISSUING AGENCY:** New Mexico Human Services Department (HSD).

[8.228.600.1 NMAC - Rp, 8.228.600.1 NMAC, 1-1-14]

**8.228.600.2 SCOPE:** The rule applies to the general public.

[8.228.600.2 NMAC - Rp, 8.228.600.2 NMAC, 1-1-14]

**8.228.600.3 STATUTORY AUTHORITY:** The New Mexico medicaid program and other health care programs are administered pursuant to regulations promulgated by the federal department of health and human services under Title XIX of the Social Security Act as amended or by state statute. See NMSA 1978, Section 27-1-12 et seq.

[8.228.600.3 NMAC - Rp, 8.228.600.3 NMAC, 1-1-14]

**8.228.600.4 DURATION:** Permanent

[8.228.600.4 NMAC - Rp, 8.228.600.4 NMAC, 1-1-14]

**8.228.600.5 EFFECTIVE DATE:** January 1, 2014, unless a later date is cited at the end of a section.

[8.228.600.5 NMAC - Rp, 8.228.600.5 NMAC, 1-1-14]

**8.228.600.6 OBJECTIVE:** The objective of this rule is to provide specific instructions when determining eligibility for the medicaid program and other health care programs. Generally, applicable eligibility rules are detailed in the medical assistance division (MAD) eligibility policy manual, specifically 8.200.400 NMAC, *General Medicaid Eligibility*. Processes for establishing and maintaining MAD eligibility are detailed in the income support division (ISD) general provisions 8.100 NMAC, *General Provisions for Public Assistance Programs*.

[8.228.600.6 NMAC - Rp, 8.228.600.6 NMAC, 1-1-14]

**8.228.600.7 DEFINITIONS:** [RESERVED]

**8.228.600.8 MISSION:** To reduce the impact of poverty on people living in New Mexico by providing support services that help families break the cycle of dependency on public assistance.

[8.228.600.8 NMAC - N, 1-1-14]

**8.228.600.9 BENEFIT DESCRIPTION:** When a JUL medicaid assistance unit loses medicaid due to earnings, the assistance unit is eligible for transitional medicaid for 12 calendar months. A medicaid eligible recipient under this category is eligible to receive the full range of medicaid covered services. Effective January 1, 2014 the loss of JUL medicaid from increased earnings from employment does not qualify recipients for transitional medicaid. The eligibility requirements for transitional medicaid effective January 1, 2014 can be found in 8.298.400 NMAC.

[8.228.600.9 NMAC - Rp, 8.228.600.9 NMAC, 1-1-14]

**8.228.600.10 BENEFIT DETERMINATION:** ISD determines initial and ongoing eligibility. If an assistance unit becomes ineligible for JUL medicaid because countable earned income exceeds the standard, the caseworker opens a Category 028 for the assistance unit. To be eligible for Category 028, an assistance unit must meet all of the following conditions:

A. the assistance unit was eligible for and received JUL medicaid benefits in New Mexico in one of the six months immediately preceding the month the assistance unit became ineligible for benefits; and

B. the assistance unit lost eligibility for JUL medicaid because the parent or caretaker relative increased earnings.

[8.228.600.10 NMAC - Rp, 8.228.600.10 NMAC, 1-1-14]

**8.228.600.11 CALCULATING THE BENEFIT:** Eligibility during the 12 month transition period.

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A. To receive transitional medicaid throughout the first 12-month period a dependent child must live in the home. If a dependent child does not live in the home, coverage for the assistance unit ends the last day of the month the assistance unit no longer includes a dependent child. This provision includes assistance units where a dependent child leaves the home of the caretaker relative, or where a child turns 19 years of age or otherwise no longer meets the age or school attendance requirement.

B. All conditions listed in 8.228.600.10 NMAC must also be met.  
[8.228.600.11 NMAC - Rp, 8.228.600.11 NMAC, 1-1-14]

**8.228.600.12 NOTICE REQUIREMENTS:** Advance notice of closure is not required in any of the following instances:

- A. assistance unit no longer contains dependent children; or
- B. assistance unit moves out of state.

[8.228.600.12 NMAC - Rp, 8.228.600.12 NMAC, 1-1-14]

**8.228.600.13 PERIODIC REDETERMINATIONS OF ELIGIBILITY:**

A. Redetermination of eligibility is not applicable. A 12-month period of eligibility following JUL medicaid is established, without a new eligibility determination or application. A new application is required after the 12 month period has expired. Increases in income are disregarded. Refer to 8.227.400 NMAC.

B. All changes that may affect eligibility must be reported within 10-calendar days from the date of the change as detailed in 8.200.430 NMAC.

[8.228.600.13 NMAC - N, 1-1-14]

**HISTORY OF 8.228.600 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.

MAD Rule 837, Transitional Medicaid - Extended Medicaid Benefits to Families Who Lose AFDC Because of Earnings from Employment or Loss of Earned Income Disregard (EID), filed 9-26-94.

**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.

MAD Rule 837, Transitional Medicaid - Extended Medicaid Benefits to Families Who Lose AFDC Because of Earnings from Employment or Loss of Earned Income Disregard (EID), filed 9/26/94 - Repealed effective 2-1-95.

8.228.600 Benefit Description, filed 9-15-13 - Repealed effective 1-1-14.