

**MEDICAL ASSISTANCE PROGRAM ELIGIBILITY – QUALIFIED INDIVIDUALS WHOSE INCOME
EXCEEDS QMB AND SLIMB
INCOME AND RESOURCE STANDARDS
Tribal Consultation Version 9.18.13**

TITLE 8 SOCIAL SERVICES**CHAPTER 250 MEDICAL ASSISTANCE PROGRAM ELIGIBILITY - QUALIFIED INDIVIDUALS
WHOSE INCOME EXCEEDS QMB AND SLIMB****PART 500 INCOME AND RESOURCE STANDARDS**

8.250.500.1 ISSUING AGENCY: New Mexico Human Services Department (HSD).
[8.250.500.1 NMAC - Rp, 8.250.500.1 NMAC, 1-1-14]

8.250.500.2 SCOPE: The rule applies to the general public.
[8.250.500.2 NMAC - Rp, 8.250.500.2 NMAC, 1-1-14]

8.250.500.3 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.
[8.250.500.3 NMAC - Rp, 8.250.500.3 NMAC, 1-1-14]

8.250.500.4 DURATION: Permanent.
[8.250.500.4 NMAC - Rp, 8.250.500.4 NMAC, 1-1-14]

8.250.500.5 EFFECTIVE DATE: January 1, 2014, unless a later date is cited at the end of a section.
[8.250.500.5 NMAC - Rp, 8.250.500.5 NMAC, 1-1-14]

8.250.500.6 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*.
[8.250.500.6 NMAC - Rp, 8.250.500.6 NMAC, 1-1-14]

8.250.500.7 DEFINITIONS: [RESERVED]

8.250.500.8 MISSION: The objective of this rule is to provide specific instructions when determining eligibility for the medicaid program and other health care programs.
[8.250.500.8 NMAC - Rp, 8.250.500.8 NMAC, 1-1-14]

8.250.500.9 QUALIFIED INDIVIDUALS 1 (QI1s) - CATEGORY 042: MAD pays the monthly medicare Part B insurance premium for qualified individuals (QI1s) with income between 120 percent and 135 percent of the federal poverty level and who are not otherwise eligible for another MAD category of eligibility. Eligible recipients will be served on a first come, first served basis, contingent upon availability of federal funds. Eligibility will be offered to individuals on a yearly basis. After 1998, eligible recipients currently enrolled in the program will get the first opportunity to continue to receive benefits.
[8.250.500.9 NMAC - N, 1-1-14]

8.250.500.10 NEED DETERMINATION: An applicant or a re-determining recipient for the medical MAD eligibility Category 042 qualified disabled individuals (QD) must apply for and take all necessary actions to obtain any resources to which he or she may be entitled. See 8.215.500 NMAC.
[8.250.500.10 NMAC - Rp, 8.250.500.9 NMAC, 1-1-14]

8.250.500.11 RESOURCE STANDARDS: The value of an applicant or re-determining recipient's countable resources must not exceed the amount set forth in 8.200.510 NMAC. The resource limit for an applicant or re-determining recipient couple is cannot exceed the amount for a couple set forth in 8.200.510 NMAC. An applicant or re-determining recipient with an ineligible spouse is eligible if the couple's countable resources do not exceed the amount set forth in 8.200.510 NMAC, when resources are deemed. A resource determination is always made as of

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the first moment of the first day of the month. An applicant or re-determining recipient is ineligible for any month in which the countable resources exceed the current resource standard as of the first moment of the first day of the month. Changes in the amount of resources during a month do not affect eligibility for that month. See 8.215.500 NMAC for information on exclusions, disregards, and countable resources.
[8.250.500.11 NMAC - Rp, 8.250.500.10 NMAC, 1-1-14]

8.250.50.12 RESOURCE TRANSFERS: The social security administration excluded transfer of resources as a factor of eligibility for a non-institutionalized recipient who receives supplemental security income (SSI) benefits. Transfer of resources is not a factor for consideration in categories that use SSI methodology in the eligibility determination.

[8.250.500.12 NMAC - Rp, 8.250.500.112 NMAC, 1-1-14]

8.250.500.13 TRUSTS: See 8.281.510 NMAC.

[8.250.500.13 NMAC - Rp, 8.250.500.12 NMAC, 1-1-14]

8.250.500.14 INCOME STANDARDS: Income standards for this category are at least 120 percent but less than 135 percent of the federal income poverty guidelines. The federal income poverty guidelines are adjusted annually, effective April 1. See 8.200.520 NMAC and 8.215.500 for information on exclusions, disregards and countable income. Verification of income must be documented in the case file.

[8.250.500.14 NMAC - Rp, 8.250.500.13 NMAC, 1-1-14]

8.250.500.15 UNEARNED INCOME EXCLUSIONS: All social security and railroad retirement beneficiaries receive cost of living adjustments (COLAs) in January of each year. The ISD caseworker must disregard the COLA from January through March when determining or re-determining QI1s eligibility. For re-determinations made in January, February and March and for new QI1 applications registered in January, February or March, the ISD caseworker uses the December social security and railroad retirement benefit amounts. For QI1 applications registered from April through December, total gross income including the new COLA figures are used to determine income and compared to the new April federal poverty levels. This exclusion does not apply to other types of income.

[8.250.500.15 NMAC - Rp, 8.250.500.14 NMAC, 1-1-14]

8.250.500.16 DEEMED INCOME: If an applicant or re-determining recipient is a minor who lives with a parent(s), deemed income from the parent(s) must be considered. If an applicant or re-determining recipient is married and lives with a spouse, deemed income from the spouse must be considered. See 8.215.500 NMAC for information on deemed income.

[8.250.500.16 NMAC - Rp, 8.250.500.15 NMAC, 1-1-14]

HISTORY OF 8.250.500 NMAC:

History of Repealed Material:

8.250.500 NMAC, Income and Resource Standards, filed 11-16-09 - Repealed effective 1-1-14.