



State of New Mexico
Human Services Department
Human Services Register



I. DEPARTMENT
NEW MEXICO HUMAN SERVICES DEPARTMENT

II. SUBJECT
8.281.400 NMAC, MEDICAID ELIGIBILITY – INSTITUTIONAL CARE (CATEGORIES 081, 083, 084) RECIPIENT POLICIES
8.290.400 NMAC, MEDICAID ELIGIBILITY – HOME AND COMMUNITY-BASED SERVICES WAIVER (CATEGORIES 090, 091, 092, 093, 094, 095 AND 096), RECIPIENT POLICIES

III. PROGRAM AFFECTED
(TITLE XIX) MEDICAID

IV. ACTION
FINAL RULES

V. BACKGROUND SUMMARY

The New Mexico Human Services Register Volume 43, Register 24, dated December 15, 2020, issued the proposed New Mexico Administrative Code (NMAC) rules, *8.281.400 NMAC, Medicaid Eligibility – Institutional Care (Categories 081, 083, 084) Recipient Policies* and *8.290.400 NMAC, Medicaid Eligibility – Home and Community-Based Services Waiver (Categories 090, 091, 092, 093, 094, 095 And 096), Recipient Policies*.

Section 9-8-6 NMSA 1978, authorizes the Department Secretary to promulgate rules and regulations that may be necessary to carry out the duties of the Department and its divisions.

Notice Date: December 15, 2020
Hearing Date: January 21, 2021
Adoption Date: May 1, 2021
Technical Citations: 42 CFR 435 subpart B and C

A public hearing was held on January 21, 2021 to receive public comments and testimony on these proposed rules. The Human Services Department (the Department) did not receive oral or written comments. These rules are being implemented as proposed.

VI. RULES

These amendments will be contained in 8.281.400 and 8.290.400 NMAC. The final register and rule languages are available on the HSD website at:

<https://www.hsd.state.nm.us/LookingForInformation/registers.aspx> and

<https://www.hsd.state.nm.us/LookingForInformation/medical-assistance-division-1.aspx>. If you do not have internet access, a copy of the final register and rules may be requested by contacting the Medical Assistance Division at (505) 827-1337.

VII. EFFECTIVE DATE

These rules will have an effective date of May 1, 2021.

VIII. PUBLICATION

Publication of these rules approved by:

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David R. Scrase, M.D.

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_____, SECRETARY

HUMAN SERVICES DEPARTMENT