State of New Mexico
Human Services Department
Human Services Register

I. DEPARTMENT
NEW MEXICO HUMAN SERVICES DEPARTMENT

II. SUBJECT
8.292.400 NMAC, MEDICAID ELIGIBILITY – PARENT CARETAKER, RECIPIENT
REQUIREMENTS

III. PROGRAM AFFECTED
(TITLE XIX) MEDICAID

IV. ACTION
FINAL RULE

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, *8.292.400, Medicaid
Eligibility – Parent Caretaker, Recipient Requirements.*

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: January 26, 2021
Hearing Date: February 26, 2021
Adoption Date: July 1, 2021
Technical Citations: 42 CFR 435.110 and 435.4, 1902(a)(10)(A)(i)(I), 1931(b) and (d)

A public hearing was held on February 26, 2021 to receive public comments and testimony on
this proposed rule. The Human Services Department (the Department) did not receive oral or
written comments. This rule is being implemented as proposed with one change. Section 9 of
8.292.400 was revised to remove the listed relationships and reference the fifth degree of
relationship cited at 8.291.420(C) NMAC as the listed relationships are within the fifth degree of
relationship.

VI. RULES

These amendments will be contained in 8.292.400 NMAC. The final register and rule languages are available on the HSD website at:
https://www.hsd.state.nm.us/lookingforinformation/registers/ and
https://www.hsd.state.nm.us/lookingforinformation/medical-assistance-division-1/. 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

This rule will have an effective date of July 1, 2021.

VIII. PUBLICATION

Publication of this rule approved by:

DAVID R. SCRASE, M.D., SECRETARY
HUMAN SERVICES DEPARTMENT