



State of New Mexico  
Human Services Department  
**Human Services Register**



**I. DEPARTMENT**

NEW MEXICO HUMAN SERVICES DEPARTMENT (HSD)

**II. SUBJECT**

- 8.200.400 NMAC, General Recipient Rules-General Medicaid Eligibility**
- 8.200.410 NMAC, General Recipient Rules-Recipient Requirements**
- 8.200.430 NMAC, General Recipient Rules, Recipient Rights and Responsibilities**
- 8.231.400 NMAC, Infants of Mothers Who are Medicaid Eligible-Recipient Policies**
- 8.231.500 NMAC, Infants of Mothers Who are Medicaid Eligible-Income and Resource**
- 8.231.600 NMAC, Infants of Mothers Who are Medicaid Eligible-Benefit Description**
- 8.291.400 NMAC, Affordable Care-Eligibility Requirements**
- 8.291.410 NMAC, Affordable Care-Recipient Requirements**
- 8.293.400 NMAC, Pregnant Women-Recipient Requirements**
- 8.294.400 NMAC, Pregnancy-Related Services-Recipient Requirements**

**III. PROGRAM AFFECTED**

(TITLE XIX) MEDICAID

**IV. ACTION**

PROPOSED RULE

**V. BACKGROUND SUMMARY**

The Human Services Department (the Department), through the Medical Assistance Division (MAD), is proposing to amend 8.200.400 NMAC, *General Recipient Rules-General Medicaid Eligibility*, 8.200.410 NMAC, *General Recipient Rules-Recipient Requirements*, 8.200.430 NMAC, *General Recipient Rules, Recipient Rights and Responsibilities*, 8.231.400 NMAC, *Infants of Mothers Who are Medicaid Eligible-Recipient Policies*, 8.231.500 NMAC, *Infants of Mothers Who are Medicaid Eligible-Income and Resource*, 8.231.600 NMAC, *Infants of Mothers Who are Medicaid Eligible-Benefit Description*, 8.291.400 NMAC, *Affordable Care-Eligibility Requirements*, 8.291.410 NMAC, *Affordable Care-Recipient Requirements*, 8.293.400 NMAC, *Pregnant Women-Recipient Requirements*, 8.294.400 NMAC, *Pregnancy-Related Services-Recipient Requirements*

The Department is revising a number of rules to align with language found in the 42 Code of Federal Regulations. Other changes throughout the rules are to update language, incorporate standardized rule language, and to provide additional clarification in sections of the rules.

**The Department proposes to amend rules as follows:**

**8.200.400 NMAC**

**Section 10**-Deleted outdated categories and added current Medicaid categories.

**Section 11**-Deleted outdated language.

**Section 12**-Deleted outdated language.

**Section 14**-Current language was deleted and new language was added to incorporate continuous eligibility requirements for children found at 42 CFR 435.926.

**Section 15**-Deleted section 15 as language regarding continuous eligibility for children is contained in section 14. Language regarding continuous eligibility for pregnant women and family planning is located in the rules for those categories.

**8.200.410 NMAC**

**Section 10**-Current language was deleted and new language was added to incorporate enumeration requirements found at 42 CFR 435.910.

**Section 12**-A revised section 12 was added to incorporate types of acceptable documentary evidence of citizenship and identity found at 42 CFR 435.407. Added language that a Real ID is sufficient documentary evidence of citizenship and a Driver Authorization Card is not.

**Section 13**-A new section 13 was added to incorporate the reasonable opportunity period found at 42 CFR 435.956(b).

**Section 14**-The residence section was changed from section 12 to 14. A new part “E” was added to clarify that evidence of immigration status may not be used to determine that an individual is not a State resident per 42 CFR 435.956(c)(2).

**Sections 15-17**-These sections were renumbered after the new sections 12 and 13 were added.

**8.200.430 NMAC**

**Section 16**-Language in parts “D” and “E” regarding CHIP and WDI co-payments were deleted. Co-payment related rules will no longer be located in the eligibility rules, but will be moved to the applicable program rules section located in 8.302.2 NMAC.

**Section 18**- Current language was deleted and new language was added to define the process for timely change reporting per 42 CFR 435.916(c).

**8.231.400 NMAC**

**Section 9**-Current language was revised for clarity.

**Section 10**-Language was revised to state that a newborn is eligible for 13 months rather than 12 months.

**Section 16**-Language was revised to clarify that a newborn is eligible from birth until the child’s first birthday (13 months). This is consistent with new 42 CFR 435.117 language incorporated at 8.231.600.11 NMAC.

**8.231.500 NMAC**

**Section 11**-Current language was revised for clarity.

**8.231.600 NMAC**

**Section 11**-Current language was deleted and new language was added to incorporate newborn deeming language found at 42 CFR 435.117.

**Section 13**-Current language was revised for clarity.

**Section 15**-A new section 15 was added to incorporate language found at 42 CFR 435.117(d) regarding renewals for newborns.

**Section 16**-A new section 16 was added to state that HSD will request an SSN at renewal. Language was added that newborns initially eligible for Medicaid as deemed newborns are considered to have provided satisfactory evidence of citizenship and identity.

#### **8.291.400 NMAC**

**Section 11**- Current language was deleted and new language was added to incorporate continuous eligibility requirements for children found at 42 CFR 435.926.

**Section 12**-Current language was deleted and new language was added to define the process for timely change reporting per 42 CFR 435.916(c).

#### **8.291.410 NMAC**

**Section 10**-Enumeration language was deleted and a reference to 8.200.410.10 NMAC was added.

**Section 13**-Identity language was deleted and a reference to 8.200.410.12 NMAC was added.

**Section 14**-Citizenship/alien status was deleted and a reference to 8.200.410.12 was added.

**Section 15**-A new letter “F” was added to clarify that evidence of immigration status may not be used to determine that an individual is not a State resident per 42 CFR 435.956(c)(2).

**Section 18**-Application language was deleted and new language was added to incorporate application requirements found at 42 CFR 435.907.

**Section 19**-A revised section 19 was added to incorporate the periodic renewal of Medicaid eligibility found at 42 CFR 435.916.

**Sections 20-21**-These sections were renumbered after the revised, new language in section 19 was added.

**Section 22**-A new section 22 was added to incorporate verifying financial information found at 42 CFR 435.948.

**Section 23**-A new section 23 was added to incorporate the verification of information through an electronic service found at 42 CFR 435.949.

**Section 24**-A new section 24 was added to incorporate the use of information and requests of additional information from individuals found at 42 CFR 435.952.

**Section 25**-A new section 25 was added to reference the state verification plan found at 42 CFR 435.945(j).

**Section 26**-This section was formerly section 21 and was revised to add a new part “F” to delineate the application processing limits found at 42 CFR 435.912(c)(3). A new part “G” was added to incorporate case documentation language found at 42 CFR 435.914.

#### **8.293.400 NMAC**

**Section 9**-Current language was deleted and new language was added to incorporate language found at 42 CFR 435.956(e).

#### **8.294.400 NMAC**

**Section 9**- Current language was deleted and new language was added to incorporate language found at 42 CFR 435.956(e).

## **VI. REGULATIONS**

These proposed rules will be contained in 8.200.400 NMAC, 8.200.410 NMAC, 8.200.430 NMAC, 8.231.400 NMAC, 8.231.500 NMAC, 8.231.600 NMAC, 8.291.400 NMAC, 8.291.410 NMAC, 8.293.400 NMAC, and 8.294.400 NMAC. The register and proposed rule language are available on the HSD website at:

<http://www.hsd.state.nm.us/LookingForInformation/registers.aspx> and <http://www.hsd.state.nm.us/public-notice-proposed-rule-and-waiver-changes-and-opportunities-to-comment.aspx>. If you do not have internet access, a copy of the proposed register and rule may be requested by contacting MAD at 505-827-6252.

## **VII. EFFECTIVE DATE**

The Department proposes to implement this rule effective October 1, 2017.

## **VIII. PUBLIC HEARING**

A public hearing to receive testimony on this proposed rule will be held in the Hearing Room 1, Toney Anaya Building, 2550 Cerrillos Road, Santa Fe, New Mexico July 14, 2017 at 10:30 a.m., Mountain Daylight Time (MDT).

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact MAD in Santa Fe at 505-827-6252. The Department requests at least 10 working days advance notice to provide requested alternative formats and special accommodations.

Copies of all comments will be made available by MAD upon request by providing copies directly to a requestor or by making them available on the MAD website or at a location within the county of the requestor.

## **IX. ADDRESS**

Interested persons may address written or recorded comments to:

Human Services Department  
Office of the Secretary  
ATTN: Medical Assistance Division Public Comments  
P.O. Box 2348  
Santa Fe, New Mexico 87504-2348

Recorded comments may be left at (505) 827-1337. Interested persons may also address comments via electronic mail to: [madrules@state.nm.us](mailto:madrules@state.nm.us). Written mail, electronic mail and recorded comments must be received no later than 5 p.m. MDT on July 14, 2017. Written and

recorded comments will be given the same consideration as oral testimony made at the public hearing.

## X. PUBLICATIONS

Publication of this rule approved by:

A handwritten signature in black ink, appearing to be "BRENT EARNEST", written over a horizontal line.

BRENT EARNEST, SECRETARY  
HUMAN SERVICES DEPARTMENT