



State of New Mexico
Human Services Department
Human Services Register



I. DEPARTMENT

NEW MEXICO HUMAN SERVICES DEPARTMENT (HSD)

II. SUBJECT

IMPLEMENTATION OF 2021 FEDERAL POVERTY
GUIDELINES IN AFFECTED MEDICAID CATEGORIES/SSI AND SPOUSAL
IMPOVERISHMENT STANDARDS

III. PROGRAM AFFECTED

(TITLE XIX) MEDICAID

IV. ACTION

EMERGENCY RULES

V. BACKGROUND SUMMARY

The Human Services Department (the Department) has filed an emergency rule in order to implement the Department of Health and Human Services (HHS) updates to the Federal Poverty Level (FPL) income guidelines for the Medical Assistance Program (MAP) categories of eligibility to be effective April 01, 2021, as required by HHS. HSD is also implementing the (Supplemental Security Income) SSI and Spousal Impoverishment Standards that went into effect on July 01, 2020 and the annual cost of living allowance (COLA) increase that went into effect on January 01, 2021. The emergency rules may impact MAP eligibility for current recipients, or a new applicant based on the updated income limits as described below.

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: April 20, 2021

Adoption Date: The SSI And Spousal Impoverishment Standards are effective July 01, 2020.

The COLA changes are effective January 01, 2021. The FPL is effective April 01, 2021.

Technical Citations: HHS 2021 Federal Poverty Guidelines, SSI and Spousal Impoverishment Standards, and SSA COLA Fact Sheet

The Department has amended the rule as follows:

8.200.510 NMAC

Section 11 is amended to reflect current COLA for Community Spouse Resource Allowance. Section 12 is amended to reflect the current COLA for Post-Eligibility Calculation (Medical Care Credit).

Section 13 is amended to reflect the current COLA for Average Monthly Cost of Nursing Facilities for Private Patients.

Section 14 is deleted to remove the resource amounts for the Medicare Savings Program to be consistent with separate rule changes that went into effect January 01, 2021.

Section 15 is changed to section 14 and is amended to reflect the COLA for current Excess Home Equity Amount for Long-Term Care Services.

8.200.520 NMAC

Section 11 is amended to reflect upcoming FPL guidelines.

Section 12 is amended to reflect the cost of living increase.

Section 13 is amended to reflect the increase in the Federal Benefit Rate.

Section 15 is amended to reflect the increase in SSI living arrangement amounts.

Section 16 is amended to reflect the increase in the monthly income standard for Institutional Care and Home and Community Based Waiver Services categories.

Section 20 is amended to reflect the increase in the covered quarter income standard.

8.291.430 NMAC

Section 10 is amended to reflect FPL mandates.

VI. RULES

These amendments will be contained in: 8.200.510 NMAC, 8.200.520 NMAC, and 8.291.430 NMAC of the Medical Assistance Division Program Manual. The emergency register and rule languages are available on the HSD website at:

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

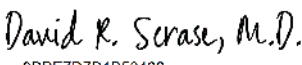
<https://www.hsd.state.nm.us/lookingforinformation/medical-assistance-division-1/>. If you do not have internet access, a copy of the final register and rules may be requested by contacting the Medical Assistance Division at (505) 827-1337.

VII. EFFECTIVE DATE

These rules will have the following effective dates: The SSI and Spousal Impoverishment Standards is effective July 01, 2020. The COLA rule is effective January 01, 2021 and the FPL rule is effective April 01, 2021.

VIII. PUBLICATION

Publication of these rules approved by:

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