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NMAC

Transmittal Form

Volume: Issue: Publication date: Number of pages: (ALD Use Only) Sequence No.

Issuing agency name and address: Agency DFA code:

Contact person's name: Phone number: E-mail address:

Type of rule action: (ALD Use Only)
New Amendment Repeal Emergency Renumber
Most recent filing date:

Title number: Title name:

Chapter number: Chapter name:

Part number: Part name:

Amendment description (If filing an amendment):
Amendment's NMAC citation (If filing an amendment):

Are there any materials incorporated by reference? Yes No
Please list attachments or Internet sites if applicable.

If materials are attached, has copyright permission been received? Yes No Public domain

Specific statutory or other authority authorizing rulemaking:

Notice date(s): Hearing date(s): Rule adoption date: Rule effective date:

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Concise Explanatory Statement For Rulemaking Adoption:

Findings required for rulemaking adoption:

Findings MUST include:

- Reasons for adopting rule, including any findings otherwise required by law of the agency, and a summary of any independent analysis done by the agency;
- Reasons for any change between the published proposed rule and the final rule; and
- Reasons for not accepting substantive arguments made through public comment.

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The Human Services Department (HSD) is adopting these rule changes to comply with the code of federal regulations (CFR) that defines a dependent child for parent/caretaker Medicaid as under 18 years of age or if 18 be a full-time student. HSD added the full-time student requirement as required in the CFR that was missing in policy. HSD also updated the definition of a parent or caretaker relative with the federal definition contained in the CFR.

HSD did not receive any or oral or written comments regarding the proposed rules so the rules are being adopted as proposed.

Issuing authority (If delegated, authority letter must be on file with ALD):

Name:

David R. Scrase

Check if authority has been delegated

Title:

Secretary

Signature: (BLACK ink only)

Date signed:

DocuSigned by:

David R. Scrase, M.D.

5/29/2021

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This is an amendment to 8.292.400 NMAC, Sections 8 and 9, effective 7/1/2021.

8.292.400.8 MISSION: ~~[To reduce the impact of poverty on people living in New Mexico by providing support services that help families break the cycle of dependency on public assistance.]~~ To transform lives. Working with our partners, we design and deliver innovative, high quality health and human services that improve the security and promote independence for New Mexicans in their communities.
[8.292.400.8 NMAC - Rp, 8.292.400.8 NMAC, 1/1/2014; A, 7/1/2021]

8.292.400.9 WHO CAN BE A RECIPIENT: To be eligible, an individual must meet specific eligibility requirements:

~~_____ A. _____ The individual must be a biological, step or adoptive parent of a child, provided they live with the child. There is a presumption that a child born to a married woman is the child of the husband.~~

~~_____ B. _____ When the parent does not live with the child, specified relative(s) within the fifth degree of relationship by blood, marriage or adoption, as determined by New Mexico statute Chapter 45—Uniform Probate Code, who live with the child are evaluated as a specified relative caretaker(s). Refer to the relationship section in 8.291.410 NMAC.~~

~~_____ C. _____ A parent caretaker(s) whose only dependent child is an SSI recipient under age 18 may be an eligible recipient. If the parent does not live in the household, then the specified relative may be an eligible recipient.~~

~~_____ D. _____ An individual who meets the eligibility requirements pursuant to 8.291.400 through 8.291.430 NMAC.~~

~~_____ E. _____ Prior to the parent caretaker individual becoming an eligible recipient, all children listed on an application must meet the following:~~

~~_____ (1) _____ be evaluated for eligibility for a medicaid program if not already eligible; or~~

~~_____ (2) _____ if not medicaid eligible, have current health insurance coverage that meets criteria as a qualified health plan.]~~

A. In accordance with 42 Code of Federal Regulations (CFR) 435.4 an individual must be a parent or caretaker relative defined as a relative of a dependent child by blood, adoption, or marriage with whom the child is living, who assumes primary responsibility for the child's care (as may, but is not required to, be indicated by claiming the child as a tax dependent for federal income tax purposes), and who is within the fifth degree of relationship per Subsection C of 8.291.410.12 NMAC.

B. In accordance with 42 CFR 435.4 a dependent child is defined as one who meets both of the following criteria:

_____ (1) _____ is under the age of 18, or;

_____ (2) _____ is age 18 and a full-time student in secondary school (or equivalent vocational or technical training), if before attaining age 19 the child may reasonably be expected to complete such school or training.

C. An individual who meets the eligibility requirements pursuant to 8.291.400 through 8.291.430 NMAC.

D. Prior to the parent caretaker individual becoming an eligible recipient, all children listed on an application must meet the following:

_____ (1) _____ be evaluated for eligibility for a medicaid program if not already eligible; or

_____ (2) _____ if not medicaid eligible, have current health insurance coverage that meets criteria as a qualified health plan.
[8.292.400.9 NMAC - Rp, 8.292.400.9 NMAC, 1/1/2014; A, 7/1/2021]