



State of New Mexico
Human Services Department
Human Services Register



I. DEPARTMENT
HUMAN SERVICES DEPARTMENT

II. SUBJECT
8.200.410 NMAC, General Recipient Rules-Recipient Requirements

III. PROGRAM AFFECTED
(TITLE XIX) MEDICAID

IV. ACTION
FINAL RULE

V. BACKGROUND SUMMARY

New Mexico Human Services Register Volume 41, Register 9, dated April 24, 2018, issued the proposed rule, *8.200.410-General 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: July 24, 2018

Hearing Date: May 24, 2018

Adoption Date: August 1, 2018

Technical Citations: 42 CFR §§435.4, 435.406, 435.956; 8 USC §1641

A public hearing was held on May 24, 2018, to receive public comments and testimony on this proposed rule. The Human Services Department (the Department) received no oral testimony or recorded comments. The Department received one written comment that was submitted on May 31, 2018, after the deadline set forth in the public register. After reviewing the comment, the Department decided to consider and address it in the final rule, as detailed below.

Summary of Comments

On May 31, 2018, the Department received a written comment. The commenter noted that while the Department is correct that the federal government ceased using the standard for Persons

Residing Under Color of Law (PRUCOL) in 1996, New Mexico chose to grandfather in participants who were eligible under PRUCOL prior to 1996. The commenter was concerned about the removal of references to individuals covered under PRUCOL in the rule.

Response: Grandfathering language regarding PRUCOL individuals was added to the final rule to clarify the Department's intent. Individuals covered under the PRUCOL standard prior to August 22, 1996, are grandfathered into the Medicaid program when they continue to qualify, and such individuals retain their grandfathering rights in the event of a benefit termination for other reasons. It was not the Department's intention to remove these individuals from coverage, but rather to simplify the rule by removing outdated and confusing language. Many of the formal PRUCOL subcategories are, in fact, qualifying statuses for Medicaid today and no longer relate to the PRUCOL standard. For the very small number of individuals who might qualify only under PRUCOL, HSD's intention has always been to continue covering them. HSD's final rule language removes any doubt about this issue.

VI. RULES

These amendments will be contained in 8.200.410 NMAC. The final register and rule languages are available on the HSD website at:

<http://www.hsd.state.nm.us/LookingForInformation/registers.aspx>. If you do not have internet access, a copy of the final register and rules may be requested by contacting MAD in Santa Fe at (505) 827-6252.

VII. EFFECTIVE DATE

This rule will have an effective date of August 1, 2018.

VIII. PUBLICATION

Publication of these rules approved by:



BRENT EARNEST, SECRETARY
HUMAN SERVICES DEPARTMENT