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**TITLE 8 SOCIAL SERVICES**  
**CHAPTER 299 MEDICAID ELIGIBILITY - FAMILY PLANNING SERVICES**  
**PART 400 RECIPIENT REQUIREMENTS**

**8.299.400.1 ISSUING AGENCY:** New Mexico Human Services Department (HSD).  
[8.299.400.1 NMAC - Rp, 8.299.400.1 NMAC, 1/1/2019]

**8.299.400.2 SCOPE:** The rule applies to the general public.  
[8.299.400.2 NMAC - Rp, 8.299.400.2 NMAC, 1/1/2019]

**8.299.400.3 STATUTORY AUTHORITY:** The New Mexico medicaid program and other health care programs are administered pursuant to regulations promulgated by the federal department of health and human services under Title XIX of the Social Security Act as amended or by state statute. See Section 27-1-12 *et seq.*, NMSA 1978.  
[8.299.400.3 NMAC - Rp, 8.299.400.3 NMAC, 1/1/2019]

**8.299.400.4 DURATION:** Permanent.  
[8.299.400.4 NMAC - Rp, 8.299.400.4 NMAC, 1/1/2019]

**8.299.400.5 EFFECTIVE DATE:** January 1, 2019, or upon a later approval date by the federal centers for medicare and medicaid services (CMS), unless a later date is cited at the end of the section.  
[8.299.400.5 NMAC - Rp, 8.299.400.5 NMAC, 1/1/2019]

**8.299.400.6 OBJECTIVE:** The objective of this rule is to provide specific instructions when determining eligibility for the medicaid program and other health care programs. Processes for establishing and maintaining this category of eligibility are found in the affordable care general provision chapter located at 8.291.400 NMAC through 8.291.430 NMAC.  
[8.299.400.6 NMAC - Rp, 8.299.400.6 NMAC, 1/1/2019]

**8.299.400.7 DEFINITIONS:** [RESERVED]

**8.299.400.8 [RESERVED]**  
[8.299.400.7 NMAC - Rp, 8.299.400.8 NMAC, 1/1/2019]

**8.299.400.9 WHO CAN BE A RECIPIENT (42 CFR 435.214):**  
HSD provides medicaid limited to family planning and family planning related services to individuals (of any gender) who:

- A. are under the age of 51 and do not have other health insurance; or
- B. who are under the age of 65 who have only medicare coverage and no other health insurance; and
- C. who are not pregnant; and
- D. meet the general recipient requirements found at 8.291.410 NMAC; and
- E. meet the income eligibility requirements found at Subsection B of 8.299.500.10 NMAC.

[8.299.400.9 NMAC - Rp, 8.299.400.9 NMAC, 1/1/2019]

**8.299.400.10 BASIS FOR DEFINING THE GROUP:** At time of application, an applicant or recipient and the department shall identify everyone who is to be considered for inclusion in the assistance unit and budget group as defined in 8.291.430 NMAC.  
[8.299.400.10 NMAC - Rp, 8.299.400.10 NMAC, 1/1/2019]

**HISTORY OF 8.299.400 NMAC:** [RESERVED]

**History of Repealed Material:**  
8.299.400 NMAC - Recipient Requirements, filed 9/14/2017 - Repealed effective 1/1/2019.