



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



**I. DEPARTMENT**

NEW MEXICO HUMAN SERVICES DEPARTMENT

**II. SUBJECT**

8.200.410 GENERAL RECIPIENT RULES-GENERAL RECIPIENT REQUIREMENTS

**III. PROGRAM AFFECTED**

(TITLE XIX) MEDICAID

**IV. ACTION**

FINAL RULE

**V. BACKGROUND SUMMARY**

New Mexico Human Services Register Volume 42, Register 9, dated May 10, 2019, issued the proposed rules, 8.200.410, *Medicaid Eligibility-General Recipient Rules – 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: May 14, 2019

Hearing Date: June 14, 2019

Adoption Date: August 01, 2019

Technical Citations: HB371 and State Buy-In Agreement

A public hearing was held June 14, 2019 to receive public comments and testimony on this proposed rule. The Human Services Department (the Department) received two written comments and one oral comment.

**Summary of Comments:**

A written comment was received that the proposed rules will benefit people with disabilities. The commenter counts on the Department for ongoing evaluation of the implementation of the rule change to best support good health outcomes throughout the State.

Written comment was received supporting the rule change. The commenter asked several clarifying questions in terms of when automatic enrollment occurs, what Medicaid categories are included, if the State is willing to pay penalties for those who have never been enrolled in Medicare Part B, and if the State will be receiving 100% federal match on the Part B payments.

Department response: Automatic enrollment into Medicare Part B begins August 01, 2019 and occurs on an ongoing basis. All Medicaid categories eligible for premium payments are included with the exception of categories cited in the proposed rules. The State does not bill the Centers for Medicare and Medicaid Services (CMS) for penalties. Individuals are notified about potential penalties and are encouraged to maintain their Medicaid eligibility. Federal match for Part B payments varies depending on the Medicaid category of eligibility.

Oral comment was received supporting the rule change. The commenter expressed concern over Part A enrollment as the State buy-in agreement does not include Medicare Part A. The commenter urges the Department to amend its buy-in agreement to automatically enroll the Medicaid population into Part A. The commenter also expressed concern that with the influx of more individuals covered under Part B care coordination may not occur to the extent needed as these individuals may go to Medicare doctors that are not part of their Centennial Care managed care plan network.

Department response: Revising the State buy-in agreement to include Medicare Part A would have a much greater financial impact on the Department than covering Part B. The Department is currently only implementing automatic enrollment for Part B in accordance with the legislation. In terms of care coordination, the Medicaid plans are required to provide care coordination and coordination of benefits to enrolled members regardless of Medicare coverage.

As both written and oral comments support the rule change the Department is adopting the rule as proposed.

## **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:

<https://www.hsd.state.nm.us/LookingForInformation/registers.aspx> and <https://www.hsd.state.nm.us/LookingForInformation/medical-assistance-division-1.aspx>. 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**

This rule will have an effective date of August 01, 2019.

**VIII. PUBLICATION**

Publication of these rules approved by:



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