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## 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: New  Amendment  Repeal  Emergency  Renumber  (ALD Use Only) 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

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### 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.

The Department is increasing federal poverty limits (FPL) as required annually by the Health and Human Services Department. The federal benefit rate (FBR) is increasing as required by the Social Security Agency. FPL and FBR amounts are located at 8.200.520 NMAC.

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

Name:

Kari Armijo

Check if authority has been delegated

Title:

Deputy Secretary

Signature: (BLACK ink only)

Date signed:

DocuSigned by:  
  
 1B49E85EAD00499...

12/3/2020

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This is an amendment to 8.200.520 NMAC, Sections 8, 11-13, 15, 16 and 20 effective 12/15/2020.

**8.200.520.8 MISSION STATEMENT: [RESERVED]** 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.

[8.200.520.8 NMAC - Rp, 8.200.520.8 NMAC, 8/28/2015; Repealed/E, 4/1/2016; A/E, 8/11/2020; A, 12/15/2020]

**8.200.520.11 FEDERAL POVERTY INCOME GUIDELINES:**

**A. One hundred percent federal poverty limits (FPL):**

| Size of budget group | FPL per month                       |
|----------------------|-------------------------------------|
| 1                    | <del>[\$1,041]</del> <u>\$1,064</u> |
| 2                    | <del>[\$1,410]</del> <u>\$1,437</u> |
| 3                    | <del>[\$1,778]</del> <u>\$1,810</u> |
| 4                    | <del>[\$2,146]</del> <u>\$2,184</u> |
| 5                    | <del>[\$2,515]</del> <u>\$2,557</u> |
| 6                    | <del>[\$2,883]</del> <u>\$2,930</u> |
| 7                    | <del>[\$3,251]</del> <u>\$3,304</u> |
| 8                    | <del>[\$3,620]</del> <u>\$3,677</u> |

Add ~~[\$369]~~ \$373 for each additional person in the budget group.

\*Use only these two standards for the qualified medicare beneficiary (QMB) program.

**B. One hundred twenty percent FPL:** This income level is used only in the determination of the maximum income limit for specified low income medicare beneficiaries (SLIMB) applicants or eligible recipients.

| Applicant or eligible recipient | Amount   |
|---------------------------------|--|
| 1 Individual                    | At least <del>[\$1,041]</del> <u>\$1,064</u> per month but no more than <del>[\$1,249]</del> <u>\$1,276</u> per month. |
| 2 Couple                        | At least <del>[\$1,410]</del> <u>\$1,437</u> per month but no more than <del>[\$1,691]</del> <u>\$1,724</u> per month. |

For purposes of this eligibility calculation, "couple" means an applicant couple or an applicant with an ineligible spouse when income is deemed.

**C. One hundred thirty-three percent FPL:**

| Size of budget group | FPL per month                       |
|----------------------|-------------------------------------|
| 1                    | <del>[\$1,385]</del> <u>\$1,415</u> |
| 2                    | <del>[\$1,875]</del> <u>\$1,911</u> |
| 3                    | <del>[\$2,365]</del> <u>\$2,408</u> |
| 4                    | <del>[\$2,854]</del> <u>\$2,904</u> |
| 5                    | <del>[\$3,344]</del> <u>\$3,401</u> |
| 6                    | <del>[\$3,834]</del> <u>\$3,897</u> |
| 7                    | <del>[\$4,324]</del> <u>\$4,394</u> |
| 8                    | <del>[\$4,814]</del> <u>\$4,890</u> |

Add ~~[\$490]~~ \$496 for each additional person in the budget group.

**D. One hundred thirty-five percent FPL:** This income level is used only in the determination of the maximum income limit for a qualified individual 1 (QI1) applicant or eligible recipient. For purposes of this eligibility calculation, "couple" means an applicant couple or an applicant with an ineligible spouse when income is deemed. The following income levels apply:

| Applicant or eligible recipient | Amount   |
|---------------------------------|--|
| 1 Individual                    | At least <del>[\$1,249]</del> <u>\$1,276</u> per month but no more than <del>[\$1,406]</del> <u>\$1,436</u> per month. |
| 2 Couple                        | At least <del>[\$1,691]</del> <u>\$1,724</u> per month but no more than <del>[\$1,903]</del> <u>\$1,940</u> per month. |

**E. One hundred eighty-five percent FPL:**

| Size of budget group | FPL per month                       |
|----------------------|-------------------------------------|
| 1                    | <del>[\$1,926]</del> <u>\$1,968</u> |
| 2                    | <del>[\$2,607]</del> <u>\$2,658</u> |
| 3                    | <del>[\$3,289]</del> <u>\$3,349</u> |
| 4                    | <del>[\$3,970]</del> <u>\$4,040</u> |
| 5                    | <del>[\$4,652]</del> <u>\$4,730</u> |

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|   |                        |         |
|---|------------------------|---------|
| 6 | [ <del>\$5,333</del> ] | \$5,421 |
| 7 | [ <del>\$6,015</del> ] | \$6,112 |
| 8 | [ <del>\$6,696</del> ] | \$6,802 |

Add [~~\$681~~] \$690 for each additional person in the budget group.

**F.** Two hundred percent FPL:

| Size of budget group | FPL per month          |         |
|----------------------|------------------------|---------|
| 1                    | [ <del>\$2,082</del> ] | \$2,127 |
| 2                    | [ <del>\$2,819</del> ] | \$2,874 |
| 3                    | [ <del>\$3,555</del> ] | \$3,620 |
| 4                    | [ <del>\$4,292</del> ] | \$4,367 |
| 5                    | [ <del>\$5,029</del> ] | \$5,114 |
| 6                    | [ <del>\$5,765</del> ] | \$5,860 |
| 7                    | [ <del>\$6,502</del> ] | \$6,607 |
| 8                    | [ <del>\$7,239</del> ] | \$7,354 |

Add [~~\$737~~] \$747 for each additional person in the budget group.

**G.** Two hundred thirty-five percent FPL:

| Size of budget group | FPL per month          |         |
|----------------------|------------------------|---------|
| 1                    | [ <del>\$2,446</del> ] | \$2,499 |
| 2                    | [ <del>\$3,312</del> ] | \$3,377 |
| 3                    | [ <del>\$4,178</del> ] | \$4,254 |
| 4                    | [ <del>\$5,043</del> ] | \$5,131 |
| 5                    | [ <del>\$5,909</del> ] | \$6,009 |
| 6                    | [ <del>\$6,774</del> ] | \$6,886 |
| 7                    | [ <del>\$7,640</del> ] | \$7,763 |
| 8                    | [ <del>\$8,506</del> ] | \$8,641 |

Add [~~\$866~~] \$878 for each additional person in the budget group.

**H.** Two hundred fifty percent FPL:

| Size of budget group | FPL per month          |         |
|----------------------|------------------------|---------|
| 1                    | [ <del>\$2,603</del> ] | \$2,659 |
| 2                    | [ <del>\$3,523</del> ] | \$3,592 |
| 3                    | [ <del>\$4,444</del> ] | \$4,525 |
| 4                    | [ <del>\$5,365</del> ] | \$5,459 |
| 5                    | [ <del>\$6,286</del> ] | \$6,392 |
| 6                    | [ <del>\$7,207</del> ] | \$7,325 |
| 7                    | [ <del>\$8,128</del> ] | \$8,259 |
| 8                    | [ <del>\$9,048</del> ] | \$9,192 |

Add [~~\$920~~] \$933 for each additional person in the budget group.

8.200.520.11 NMAC - Rp, 8.200.520.11 NMAC, 8/28/2015; A/E, 4/1/2016; A/E, 9/14/2017; A, 2/1/2018; A/E, 5/17/2018; A, 9/11/2018; A/E, 4/11/2019; A, 7/30/2019, A/E, 8/11/2020; A, 12/15/2020]

**8.200.520.12 COST OF LIVING ADJUSTMENT (COLA) DISREGARD COMPUTATION:** The

countable social security benefit without the COLA is calculated using the COLA increase table as follows:

**A.** divide the current gross social security benefit by the COLA increase in the most current year; the result is the social security benefit before the COLA increase;

**B.** divide the result from Subsection A above by the COLA increase from the previous period or year; the result is the social security benefit before the increase for that period or year; and

**C.** repeat Subsection B above for each year, through the year that the applicant or eligible recipient received both social security benefits and supplemental security income (SSI); the final result is the countable social security benefit.

| COLA Increase and disregard table |                       |               |                  |
|-----------------------------------|-----------------------|---------------|------------------|
|                                   | Period and year       | COLA increase | = benefit before |
| <u>1</u>                          | <u>2020 Jan - Dec</u> | <u>1.6</u>    | <u>Jan 20</u>    |
| [ <del>1</del> ] <u>2</u>         | <u>2019 Jan - Dec</u> | 2.8           | Jan 19           |
| [ <del>2</del> ] <u>3</u>         | <u>2018 Jan - Dec</u> | 2.0           | Jan 18           |
| [ <del>3</del> ] <u>4</u>         | <u>2017 Jan - Dec</u> | 0.3           | Jan 17           |

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|                |                        |       |        |
|----------------|------------------------|-------|--------|
| [4] <u>5</u>   | 2016 Jan - Dec         | 0     | Jan 16 |
| [5] <u>6</u>   | 2015 Jan - Dec         | 1.017 | Jan 15 |
| [6] <u>7</u>   | 2014 Jan - Dec         | 1.015 | Jan 14 |
| [7] <u>8</u>   | 2013 Jan - Dec         | 1.017 | Jan 13 |
| [8] <u>9</u>   | 2012 Jan - Dec         | 1.037 | Jan 12 |
| [9] <u>10</u>  | 2011 Jan - Dec         | 0     | Jan 11 |
| [10] <u>11</u> | 2010 Jan - Dec         | 1     | Jan 10 |
| [11] <u>12</u> | 2009 Jan - Dec         | 1     | Jan 09 |
| [12] <u>13</u> | 2008 Jan - Dec         | 1.058 | Jan 08 |
| [13] <u>14</u> | 2007 Jan - Dec         | 1.023 | Jan 07 |
| [14] <u>15</u> | 2006 Jan - Dec         | 1.033 | Jan 06 |
| [15] <u>16</u> | 2005 Jan - Dec         | 1.041 | Jan 05 |
| [16] <u>17</u> | 2004 Jan - Dec         | 1.027 | Jan 04 |
| [17] <u>18</u> | 2003 Jan - Dec         | 1.021 | Jan 03 |
| [18] <u>19</u> | 2002 Jan - Dec         | 1.014 | Jan 02 |
| [19] <u>20</u> | 2001 Jan - Dec         | 1.026 | Jan 01 |
| [20] <u>21</u> | 2000 Jan - Dec         | 1.035 | Jan 00 |
| [21] <u>22</u> | 1999 Jan - Dec         | 1.025 | Jan 99 |
| [22] <u>23</u> | 1998 Jan - Dec         | 1.013 | Jan 98 |
| [23] <u>24</u> | 1997 Jan - Dec         | 1.021 | Jan 97 |
| [24] <u>25</u> | 1996 Jan - Dec         | 1.029 | Jan 96 |
| [25] <u>26</u> | 1995 Jan - Dec         | 1.026 | Jan 95 |
| [26] <u>27</u> | 1994 Jan - Dec         | 1.028 | Jan 94 |
| [27] <u>28</u> | 1993 Jan - Dec         | 1.026 | Jan 93 |
| [28] <u>29</u> | 1992 Jan - Dec         | 1.03  | Jan 92 |
| [29] <u>30</u> | 1991 Jan - Dec         | 1.037 | Jan 91 |
| [30] <u>31</u> | 1990 Jan - Dec         | 1.054 | Jan 90 |
| [31] <u>32</u> | 1989 Jan - Dec         | 1.047 | Jan 89 |
| [32] <u>33</u> | 1988 Jan - Dec         | 1.04  | Jan 88 |
| [33] <u>34</u> | 1987 Jan - Dec         | 1.042 | Jan 87 |
| [34] <u>35</u> | 1986 Jan - Dec         | 1.013 | Jan 86 |
| [35] <u>36</u> | 1985 Jan - Dec         | 1.031 | Jan 85 |
| [36] <u>37</u> | 1984 Jan - Dec         | 1.035 | Jan 84 |
| [37] <u>38</u> | 1982 Jul - 1983<br>Dec | 1.035 | Jul 82 |
| [38] <u>39</u> | 1981 Jul - 1982<br>Jun | 1.074 | Jul 81 |
| [39] <u>40</u> | 1980 Jul - 1981<br>Jun | 1.112 | Jul 80 |
| [40] <u>41</u> | 1979 Jul - 1980<br>Jun | 1.143 | Jul 79 |
| [41] <u>42</u> | 1978 Jul - 1979<br>Jun | 1.099 | Jul 78 |
| [42] <u>43</u> | 1977 Jul - 1978<br>Jun | 1.065 | Jul 77 |
| [43] <u>44</u> | 1977 Apr - 1977<br>Jun | 1.059 | Apr 77 |

[8.200.520.12 NMAC - Rp, 8.200.520.12 NMAC, 8/28/2015; A/E, 1/1/2016; A/E, 3/1/2017; A/E, 5/17/2018; A, 9/11/2018; A, 4/11/2019; A, 7/30/2019; A/E, 8/11/2020; A, 12/15/2020]

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**8.200.520.13 FEDERAL BENEFIT RATES (FBR) AND VALUE OF ONE-THIRD REDUCTION (VTR):**

| Year          | Individual<br>FBR | Institution<br>FBR | Individual<br>VTR | Couple<br>FBR | Institution<br>FBR | Couple<br>VTR |
|---------------|-------------------|--------------------|-------------------|---------------|--------------------|---------------|
| 1/89 to 1/90  | \$368             | \$30               | \$122.66          | \$553         | \$60               | \$184.33      |
| 1/90 to 1/91  | \$386             | \$30               | \$128.66          | \$579         | \$60               | \$193.00      |
| 1/91 to 1/92  | \$407             | \$30               | \$135.66          | \$610         | \$60               | \$203.33      |
| 1/92 to 1/93  | \$422             | \$30               | \$140.66          | \$633         | \$60               | \$211.00      |
| 1/93 to 1/94  | \$434             | \$30               | \$144.66          | \$652         | \$60               | \$217.33      |
| 1/94 to 1/95  | \$446             | \$30               | \$148.66          | \$669         | \$60               | \$223.00      |
| 1/95 to 1/96  | \$458             | \$30               | \$152.66          | \$687         | \$60               | \$229.00      |
| 1/96 to 1/97  | \$470             | \$30               | \$156.66          | \$705         | \$60               | \$235.00      |
| 1/97 to 1/98  | \$484             | \$30               | \$161.33          | \$726         | \$60               | \$242.00      |
| 1/98 to 1/99  | \$494             | \$30               | \$164.66          | \$741         | \$60               | \$247.00      |
| 1/99 to 1/00  | \$500             | \$30               | \$166.66          | \$751         | \$60               | \$250.33      |
| 1/00 to 1/01  | \$512             | \$30               | \$170.66          | \$769         | \$60               | \$256.33      |
| 1/01 to 1/02  | \$530             | \$30               | \$176.66          | \$796         | \$60               | \$265.33      |
| 1/02 to 1/03  | \$545             | \$30               | \$181.66          | \$817         | \$60               | \$272.33      |
| 1/03 to 1/04  | \$552             | \$30               | \$184.00          | \$829         | \$60               | \$276.33      |
| 1/04 to 1/05  | \$564             | \$30               | \$188             | \$846         | \$60               | \$282.00      |
| 1/05 to 1/06  | \$579             | \$30               | \$193             | \$869         | \$60               | \$289.66      |
| 1/06 to 1/07  | \$603             | \$30               | \$201             | \$904         | \$60               | \$301.33      |
| 1/07 to 1/08  | \$623             | \$30               | \$207.66          | \$934         | \$60               | \$311.33      |
| 1/08 to 1/09  | \$637             | \$30               | \$212.33          | \$956         | \$60               | \$318.66      |
| 1/09 to 1/10  | \$674             | \$30               | \$224.66          | \$1,011       | \$60               | \$337         |
| 1/10 to 1/11  | \$674             | \$30               | \$224.66          | \$1,011       | \$60               | \$337         |
| 1/11 to 1/12  | \$674             | \$30               | \$224.66          | \$1,011       | \$60               | \$337         |
| 1/12 to 1/13  | \$698             | \$30               | \$232.66          | \$1,048       | \$60               | \$349.33      |
| 1/13 to 1/14  | \$710             | \$30               | \$237             | \$1,066       | \$60               | \$355         |
| 1/14 to 1/15  | \$721             | \$30               | \$240             | \$1,082       | \$60               | \$361         |
| 1/15 to 12/15 | \$733             | \$30               | \$244             | \$1,100       | \$60               | \$367         |
| 1/16 to 12/16 | \$733             | \$30               | \$244             | \$1,100       | \$60               | \$367         |
| 1/17 to 12/17 | \$735             | \$30               | \$245             | \$1,103       | \$60               | \$368         |
| 1/18 to 12/18 | \$750             | \$30               | \$250             | \$1,125       | \$60               | \$375         |
| 1/19 to 12/19 | \$771             | \$30               | \$257             | \$1,157       | \$60               | \$386         |
| 1/20 to 12/20 | \$783             | \$30               | \$261             | \$1,175       | \$60               | \$392         |

- A. Ineligible child deeming allocation is [~~\$386~~] \$392.
  - B. Part B premium is [~~\$135.50~~] \$144.60 per month.
  - C. VTR (value of one third reduction) is used when an individual or a couple lives in the household of another and receives food and shelter from the household or when the individual or the couple is living on his or her own household but receiving support and maintenance from others.
  - D. The SSI resource standard is \$2000 for an individual and \$3000 for a couple.
- [8.200.520.13 NMAC - Rp, 8.200.520.13 NMAC, 8/28/2015; A/E, 1/1/2016; A/E, 3/1/2017; A/E, 5/17/2018; A, 9/11/2018; A/E, 4/11/2019; A, 7/30/2019; A/E, 8/11/2020; A, 12/15/2020]

**8.200.520.15 SUPPLEMENTAL SECURITY INCOME (SSI) LIVING ARRANGEMENTS:**

- A. Individual living in his or her own household who own or rent:  
 Payment amount: ~~[\$771]~~ \$783 Individual  
~~[\$1,157]~~ \$1,175 Couple
- B. Individual receiving support and maintenance payments: For an individual or couple living in his or her own household, but receiving support and maintenance from others (such as food, shelter or clothing), subtract the value of one third reduction (VTR).  
 Payment amount: ~~[\$771]~~ \$783 - ~~[\$257]~~ \$261 = ~~[\$514]~~ \$522 Individual  
~~[\$1,157]~~ \$1,175 - ~~[\$386]~~ \$392 = ~~[\$771]~~ \$783 Couple

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C. Individual or couple living household of another: For an individual or couple living in another person's household and not contributing his or her pro-rata share of household expenses, subtract the VTR.

Payment amount:  $[\$774] \$783 - [\$257] \$261 = [\$514] \$522$  Individual  
 $[\$1,157] \$1,175 - [\$386] \$392 = [\$774] \$783$  Couple

D. Child living in home with his or her parent:

Payment amount:  $[\$774] \$783$

E. Individual in institution:

Payment amount: \$30.00

[8.200.520.15 NMAC - Rp, 8.200.520.15 NMAC, 8/28/2015; A/E, 3/1/2017; A/E, 5/17/2018; A, 9/11/2018; A/E, 4/11/2019; A, 7/30/2019; A/E, 8/11/2020; A, 12/15/2020]

**8.200.520.16 MAXIMUM COUNTABLE INCOME FOR INSTITUTIONAL CARE MEDICAID AND HOME AND COMMUNITY BASED WAIVER SERVICES (HCBS) CATEGORIES:** Effective January 1, ~~2019~~ **2020**, the maximum countable monthly income standard for institutional care medicaid and the home and community based waiver categories is  $[\$2,313] \$2,349$ .

[8.200.520.16 NMAC - Rp, 8.200.520.16 NMAC, 8/28/2015; A/E, 3/1/2017; A/E, 5/17/2018; A, 9/11/2018; A/E, 4/11/2019; A, 7/30/2019; A/E, 8/11/2020; A, 12/15/2020]

**8.200.520.20 COVERED QUARTER INCOME STANDARD:**

| Date                         | Calendar Quarter Amount             |
|------------------------------|-------------------------------------|
| <u>Jan. 2020 - Dec. 2020</u> | <u>\$1,410 per calendar quarter</u> |
| Jan. 2019 - Dec. 2019        | \$1,360 per calendar quarter        |
| Jan. 2018 - Dec. 2018        | \$1,320 per calendar quarter        |
| Jan. 2017 - Dec. 2017        | \$1,300 per calendar quarter        |
| Jan. 2016 - Dec. 2016        | \$1,260 per calendar quarter        |
| Jan. 2015 - Dec. 2015        | \$1,220 per calendar quarter        |
| Jan. 2014 - Dec. 2014        | \$1,200 per calendar quarter        |
| Jan. 2013 - Dec. 2013        | \$1,160 per calendar quarter        |
| Jan. 2012 - Dec. 2012        | \$1,130 per calendar quarter        |
| Jan. 2011 - Dec. 2011        | \$1,120 per calendar quarter        |
| Jan. 2010 - Dec. 2010        | \$1,120 per calendar quarter        |
| Jan. 2009 - Dec. 2009        | \$1,090 per calendar quarter        |
| Jan. 2008 - Dec. 2008        | \$1,050 per calendar quarter        |
| Jan. 2007 - Dec. 2007        | \$1,000 per calendar quarter        |
| Jan. 2006 - Dec. 2006        | \$970 per calendar quarter          |
| Jan. 2005 - Dec. 2005        | \$920 per calendar quarter          |
| Jan. 2004 - Dec. 2004        | \$900 per calendar quarter          |
| Jan. 2003 - Dec. 2003        | \$890 per calendar quarter          |
| Jan. 2002 - Dec. 2002        | \$870 per calendar quarter          |

[8.200.520.20 NMAC - Rp, 8.200.520.20 NMAC, 8/28/2015; A/E, 1/1/2016; A/E, 03/01/2017; A/E, 5/17/2018; A, 9/11/2018; A/E, 4/11/2019; A, 7/30/2019; A/E, 8/11/2020; A, 12/15/2020]