

**TITLE 8 SOCIAL SERVICES**  
**CHAPTER 285 MEDICAL ASSISTANCE PROGRAM ELIGIBILITY - EMERGENCY MEDICAL SERVICES FOR ALIENS**  
**PART 400 RECIPIENT REQUIREMENTS**

**8.285.400.1 ISSUING AGENCY:** New Mexico Human Services Department (HSD).  
[8.285.400.1 NMAC - Rp, 8.285.400.1 NMAC, 1/1/2014]

**8.285.400.2 SCOPE:** The rule applies to the general public.  
[8.285.400.2 NMAC - Rp, 8.285.400.2 NMAC, 1/1/2014]

**8.285.400.3 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 NMSA 1978, Section 27-1-12.  
[8.285.400.3 NMAC - Rp, 8.285.400.3 NMAC, 1/1/2014]

**8.285.400.4 DURATION:** Permanent.  
[8.285.400.4 NMAC - Rp, 8.285.400.4 NMAC, 1/1/2014]

**8.285.400.5 EFFECTIVE DATE:** January 1, 2014, unless a later date is cited at the end of a section.  
[8.285.400.5 NMAC - Rp, 8.285.400.5 NMAC, 1/1/2014]

**8.285.400.6 OBJECTIVE:** The objective of this rule is to provide specific instructions when determining eligibility for the medicaid program and other health care programs.  
[8.285.400.6 NMAC - Rp, 8.285.400.6 NMAC, 1/1/2014]

**8.285.400.7 DEFINITIONS:** [RESERVED]

**8.285.400.8 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.](#)  
[8.285.400.8 NMAC - N, 1/1/2014; A, xx/xx/xxxx]

**8.285.400.9 EMERGENCY MEDICAL SERVICES FOR ALIENS - CATEGORY 085:** Certain non-citizens who are undocumented or who do not meet the qualifying immigration criteria specified in 8.200.410 NMAC, but who meet all eligibility criteria for ~~[other medical assistance program categories 030, 032, 035, 072, 100, 200, 300, 301, 400, 420 and or supplemental security income (SSI)]~~ [the following medical assistance categories of eligibility \(COEs\): other adults \(COE 100\), parent/caretaker \(COE 200\), pregnant women \(COE 300\), pregnancy-related services \(COE 301\), children under age 19 \(COEs 400, 401, 402, 403, 420, and 421\) or supplemental security income \(COEs 001, 003, and 004\)](#) can receive coverage for emergency services. See 42 CFR Section 440.225.  
[8.285.400.9 NMAC - Rp, 8.285.400.9 NMAC, 1/1/2014; A, xx/xx/xxxx]

**8.285.400.10 BASIS FOR DEFINING THE GROUP:** ~~[The determination of emergency status is made by the medicaid utilization review contractor. For purposes of determining emergency status, the following definition applies: an emergency condition means a medical or behavioral health condition manifesting itself through acute symptoms of sufficient severity (including severe pain) such that a prudent layperson with average knowledge of health and medicine could reasonably expect the absence of immediate medical attention to result in the health of the individual or with respect to a pregnant woman, the health of the woman or her unborn child to result in serious jeopardy; serious impairment to the individual's bodily functions; or serious dysfunction of any of his or her bodily organs or parts. With respect to a pregnant woman and her unborn child, emergency services includes all emergency labor and delivery services, such as inductions of labor and caesarean sections.]~~ [The definition of an emergency medical condition is found at 8.325.10.13 NMAC.](#)  
[8.285.400.10 NMAC - Rp, 8.285.400.10 NMAC, 1/1/2014; A, xx/xx/xxxx]

**8.285.400.11 [RESERVED]**

**8.285.400.12 ENUMERATION:** ~~[An alien]~~ [A non-citizen](#) applicant is exempt from the requirement to provide a social security number (SSN). If the applicant is found eligible for coverage of emergency services, the claims are paid using ~~[a dummy number. Issuance of the dummy number is done on the current eligibility system.]~~ [an eligibility system generated identification number.](#)

[8.285.400.12 NMAC - Rp, 8.285.400.12 NMAC, 1/1/2014; A, xx/xx/xxxx]

**8.285.400.13 CITIZENSHIP:** An applicant must be a ~~[noncitizen]~~ [non-citizen](#) who is undocumented or who does not meet the qualifying immigration criteria specified in 8.200.410 NMAC. [Per 42 CFR 440.255\(c\), effective January 1, 1987, non-citizens who are not lawfully admitted for permanent residence in the United States or permanently residing in the United States under the color of law must receive the services necessary to treat the condition defined at 8.325.10.13 NMAC.](#)

[8.285.400.13 NMAC - Rp, 8.285.400.13 NMAC, 1/1/2014; A, xx/xx/xxxx]

**8.285.400.14 RESIDENCE:** ~~[An applicant must provide proof of New Mexico residence. Undocumented aliens traveling through New Mexico, visiting in New Mexico, or touring New Mexico do not meet the residence requirements for eligibility.]~~ [An applicant must be a resident of the state of New Mexico in accordance with 8.200.410.14 and 8.291.410.15 NMAC.](#)

[8.285.400.14 NMAC - Rp, 8.285.400.14 NMAC, 1/1/2014; A, xx/xx/xxxx]

**8.285.400.15 EMPLOYMENT, TRAINING, AND WORK REGISTRATION:** Registration for employment or training is not a factor of eligibility.

[8.285.400.15 NMAC - Rp, 8.285.400.15 NMAC, 1/1/2014]

**8.285.400.16 [RESERVED]**

**8.285.400.17 SSI STATUS:** Applicants who apply under supplemental security income (SSI) coverage must meet the income and resource limits. Eligibility is determined using the SSI methodology contained in 8.215 NMAC. Disability is determined by disability determination services.

[8.285.400.17 NMAC - Rp, 8.285.400.17 NMAC, 1/1/2014]

**8.285.400.18 RECIPIENT RIGHTS AND RESPONSIBILITIES:** It is the responsibility of the applicant to provide the required information, documents or undertake the actions necessary for HSD to establish eligibility. The applicant must grant HSD permission to contact other persons, agencies or sources of information which are necessary in the establishment of eligibility. Failure of the applicant to provide or take action will result in a HSD action to deny eligibility.

[8.285.400.18 NMAC - Rp, 8.285.400.18 NMAC, 1/1/2014]

**8.285.400.19 ASSIGNMENT OF SUPPORT:** See 8.200.430 NMAC.

[8.285.400.19 NMAC - Rp, 8.285.400.19 NMAC, 1/1/2014]

**HISTORY OF 8.285.400 NMAC:**

**History of Repealed Material:**

8.285.400 NMAC, Recipient Policies, filed 11-17-08 - Repealed effective 1/1/2014.