

INCOME AND RESOURCE STANDARDS

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(CATEGORY 01, 03 AND 04)

INCOME AND RESOURCE STANDARDS

TITLE 8 SOCIAL SERVICES

CHAPTER 201 MEDICAID ELIGIBILITY - MEDICAID EXTENSION (CATEGORY 01, 03 and 04)

PART 500 INCOME AND RESOURCE STANDARDS

8.201.500.1 ISSUING AGENCY: New Mexico Human Services Department.

[2/1/95; 8.201.500.1 NMAC - Rn, 8 NMAC 4.EXT.000.1, 10/1/09]

8.201.500.2 SCOPE: The rule applies to the general public.

[2/1/95; 8.201.500.2 NMAC - Rn, 8 NMAC 4.EXT.000.2, 10/1/09]

8.201.500.3 STATUTORY AUTHORITY: The New Mexico medicaid program is administered pursuant to regulations promulgated by the federal department of health and human services under Title XIX of the Social Security Act, as amended and by the state human services department pursuant to state statute. See Section 27-2-12 et seq. NMSA 1978 (Repl. Pamp. 1991).

[2/1/95; 8.201.500.3 NMAC - Rn, 8 NMAC 4.EXT.000.3, 10/1/09]

8.201.500.4 DURATION: Permanent

[2/1/95; 8.201.500.4 NMAC - Rn, 8 NMAC 4.EXT.000.4, 10/1/09]

8.201.500.5 EFFECTIVE DATE: February 1, 1995, unless a later date is cited at the end of a section.

[2/1/95; 8.201.500.5 NMAC - Rn, 8 NMAC 4.EXT.000.5 & A, 10/1/09]

8.201.500.6 OBJECTIVE: The objective of these regulations is to provide eligibility policy and procedures for the medicaid program.

[2/1/95; 8.201.500.6 NMAC - Rn, 8 NMAC 4.EXT.000.6, 10/1/09]

8.201.500.7 DEFINITIONS: [RESERVED]

8.201.500.8 [RESERVED]

8.201.500.9 NEED DETERMINATION:

[2/1/95; 8.201.500.9 NMAC - Rn, 8 NMAC 4.EXT.500, 10/1/09]

8.201.500.10 RESOURCE STANDARDS: To be eligible for medicaid extension, applicants/recipients must meet SSI resource standards. Recipients initially eligible for medicaid extension under E01 status lose eligibility when their resources exceed the SSI resource maximum. See 8.215.500.11 NMAC, *resource standards*, for information on exclusions, disregards, and countable resources.

[2/1/95; 8.201.500.10 NMAC - Rn, 8 NMAC 4.EXT.510 & A, 10/1/09]

8.201.500.11 RESOURCE TRANSFERS: The social security administration excluded transfer of resources as a factor of eligibility for non-institutionalized SSI recipients. Transfer of resources is not a factor for consideration in categories that use SSI methodology in the eligibility determination.

[2/1/95; 8.201.500.11 NMAC - Rn, 8 NMAC 4.EXT.515, 10/1/09]

8.201.500.12 TRUSTS: See 8.281.510 NMAC and following subsections.

[2/1/95; 8.201.500.12 NMAC - Rn, 8 NMAC 4.EXT.520 & A, 10/1/09; 8.201.500.12 NMAC - N, 10/1/12]

8.201.500.13 INCOME STANDARDS: To be eligible for medicaid extension, an applicant/recipient must have countable income below the SSI FBR. See 8.215.500.18 NMAC, *income*, through 8.215.500.22 NMAC, *disregards*, for information on exclusions, disregards, and countable income.

[2/1/95; 8.201.500.13 NMAC - Rn, 8 NMAC 4.EXT.522 & A, 10/1/09; Rn, 8.201.500.13 NMAC - Rn, 8.201.500.12 NMAC, 10/1/12]

(CATEGORY 01, 03 AND 04)

INCOME AND RESOURCE STANDARDS

8.201.500.14 COMPUTATION OF COLA DISREGARDS IN PICKLE AND 503 LEADS CASES:

A. An applicant/recipient's countable income, after exclusion of the Title II COLAs received following SSI termination, must be less than the current SSI federal benefit rate (FBR).

B. To determine the total amount of the applicant/recipient's Title II COLAs received since the applicant/recipient lost SSI, the following calculation must be completed:

(1) divide the current Title II amount by the percentage amount of the previous year's COLA;

(2) repeat this calculation for each Title II COLA benefit received after the applicant lost SSI; computations are based on the previous year's COLA and previous benefit; see 8.200.520.12 NMAC, *COLA disregard computation*, of 503 leads and pickle cases;

(3) when the last computation is completed, the result is the Title II benefit amount the applicant/recipient was receiving when he/she lost SSI;

(4) subtract this amount from the current Title II benefit amount; the result is the aggregate Title II COLAs the applicant/recipient received after losing SSI; and

(5) subtract the aggregate COLAs from the applicant/recipient's countable income to determine if the income is below the current SSI FBR.

C. If the resulting income is below the current SSI FBR, and the applicant/recipient meets all other requirements for SSI, he/she is eligible for medicaid extension.

[2/1/95; 8.201.500.14 NMAC - Rn, 8 NMAC 4.EXT.523 & A, 10/1/09; Rn, 8.201.500.13 NMAC - Rn, 8.201.500.14 NMAC, 10/1/12]

8.201.500.15 DEEMED INCOME: If an applicant/recipient is a minor who lives with a parent(s), deemed income from the parent(s) must be considered. If an applicant/recipient is married and lives with a spouse, deemed income from the spouse must be considered. See 8.215.500.21 NMAC, *deemed income*, for information on deemed income. If an applicant/recipient has a spouse or parent who receives Title II benefits, all COLAs received by the spouse/parent since the applicant/recipient lost SSI are deducted from the spouse/parent's income before it is deemed to the applicant/recipient.

[2/1/95; 8.201.500.15 NMAC - Rn, 8 NMAC 4.EXT.526 & Repealed, 10/1/09; 8.201.500.15 NMAC, Rn, 8.201.500.14 NMAC, 10/1/12]

8.201.500.16 [RESERVED]

[8.201.500.16 NMAC - Rn, 8.201.500.15 NMAC, 10/1/12]

HISTORY OF 8.201.500 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center: ISD 370.0000, Procedures for Retroactive Supplemental Security Income (SSI) Medicaid and Medicaid Extension, filed 5/26/80.

ISD 370.0000, Procedures for Retroactive Supplemental Security Income (SSI) Medicaid and Medicaid Extension, filed 1/26/82.

MAD Rule 370.0000, Procedures for Retroactive Supplemental Security Income (SSI) Medicaid and Medicaid Extension, filed 12/1/87.

MAD Rule 870, Retroactive Medicaid Coverage, filed 1/31/90.

MAD Rule 870, Retroactive Medicaid Coverage, filed 3/11/92.

MAD Rule 870, Retroactive Medicaid Coverage, filed 11/16/94.

MAD Rule 372.0000, Medicaid Extension, 12/1/87.

MAD Rule 872, Medicaid Extension, filed 1/31/90.

MAD Rule 872, Medicaid Extension, filed 3/11/92.

MAD Rule 872, Medicaid Extension, filed 8/20/92.

MAD Rule 872, Medicaid Extension, filed 9/26/94.

History of Repealed Material:

MAD Rule 872, Medicaid Extension, filed 9/26/94 - Repealed effective 2/1/95.