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**TITLE 8 SOCIAL SERVICES
CHAPTER 230 MEDICAID ELIGIBILITY - FULL COVERAGE FOR PREGNANT WOMEN
PART 400 RECIPIENT REQUIREMENTS**

8.230.400.1 ISSUING AGENCY: New Mexico Human Services Department (HSD).
[8.230.400.1 NMAC - Rp, 8.230.400.1 NMAC, 1-1-14]

8.230.400.2 SCOPE: The rule applies to the general public.
[8.230.400.2 NMAC - Rp, 8.230.400.2 NMAC, 1-1-14]

8.230.400.3 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 et seq.
[8.230.400.3 NMAC - Rp, 8.230.400.3 NMAC, 1-1-14]

8.230.400.4 DURATION: Permanent.
[8.230.400.4 NMAC - Rp, 8.230.400.4 NMAC, 1-1-14]

8.230.400.5 EFFECTIVE DATE: January 1, 2014, unless a later date is cited at the end of a section.
[8.230.400.5 NMAC - Rp, 8.230.400.5 NMAC, 1-1-14]

8.230.400.6 OBJECTIVE: The objective of this rule is to provide specific instructions for determining eligibility for the medicaid program and other health care programs. Generally, applicable eligibility rules are detailed in the medical assistance division (MAD) eligibility, 8.200 NMAC, *Medicaid Eligibility – General Recipient Policies*. Processes for establishing and maintaining medicaid eligibility are detailed in the income support division (ISD) general provisions, 8.100 NMAC, *General Provisions for Public Assistance Programs*.
[8.230.400.6 NMAC - Rp, 8.230.400.6 NMAC, 1-1-14]

8.230.400.7 DEFINITIONS: [RESERVED]

8.230.400.8 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.
[8.230.400.8 NMAC - N, 1-1-14]

8.230.400.9 FULL MEDICAID COVERAGE FOR PREGNANT WOMEN - CATEGORY 030:

- A. To be eligible an individual must meet the following eligibility requirements:
- (1) a woman whose pregnancy has been medically verified through documentary evidence, who does not have a minor child living with her;
 - (2) a woman who meets eligibility requirements pursuant to 8.200.410 NMAC and 8.200.420 NMAC;
 - (3) an applicant or eligible recipient must assign medical support rights to HSD and agree to cooperate with third party liability responsibilities pursuant to 8.200.430 NMAC; and
 - (4) appropriate to the budget group size the countable gross income must be less than 185 percent of the federal poverty level (FPL). The standard of need (SON) and the countable net income must be less than the SON pursuant to 8.200.520 NMAC and 8.230.500 NMAC.
- B. Individuals may have other creditable health insurance.
- C. An individual who is an inmate of a public institution is not eligible pursuant to 8.200.410 NMAC.
- D. For medical assistance division (MAD) applicants or re-determining recipients who are recipients of another type of income support division (ISD) benefits, the following will not be used in as automatic disqualification from medical assistance programs enrollment:
- (1) New Mexico works (NMW) cash assistance eligibility;
 - (2) disqualifications for dual state public assistance benefits resulting in a conviction of fraud; or
 - (3) disqualifications for fugitive and probation parole violators.
- [8.230.400.9 NMAC - Rp, 8.230.400.9 NMAC, 1-1-14]

8.230.400.10 BASIS FOR DEFINING THE GROUP: The assistance unit is the pregnant woman who applies for medicaid and who is determined eligible and each unborn child is counted as one as if the child was born and living with the mother.

[8.230.400.10 NMAC - Rp, 8.230.400.10 NMAC, 1-1-14]

8.230.400.11 [RESERVED]

8.230.400.12 ENUMERATION: Refer to 8.200.410.10 NMAC.

[8.230.400.12 NMAC - Rp, 8.230.400.12 NMAC, 1-1-14]

8.230.400.13 CITIZENSHIP: Refer to 8.200.410.11 NMAC.

[8.230.400.13 NMAC - Rp, 8.230.400.13 NMAC, 1-1-14]

8.230.400.14 RESIDENCE: Refer to 8.200.410.12 NMAC.

[8.230.400.14 NMAC - Rp, 8.230.400.14 NMAC, 1-1-14]

8.230.400.15 EMPLOYMENT, TRAINING AND WORK: Registration or participation in employment assistance programs are not an eligibility factor.

[8.230.400.15 NMAC - Rp, 8.230.400.15 NMAC, 1-1-14]

8.230.400.16 [RESERVED]

8.230.400.17 AGE: There are no age requirements for this eligibility category.

[8.230.400.17 NMAC - Rp, 8.230.400.17 NMAC, 1-1-14]

8.230.400.18 PRESUMPTIVE ELIGIBILITY FOR PREGNANT WOMEN: Refer to 8.200.400.11 NMAC

[8.230.400.18 NMAC - Rp, 8.230.400.18 NMAC, 1-1-14]

8.230.400.19 RECIPIENT RIGHTS AND RESPONSIBILITIES: Refer to 8.200.430 NMAC.

[8.230.400.19 NMAC - Rp, 8.230.400.19 NMAC, 1-1-14]

8.230.400.20 ASSIGNMENTS OF MEDICAL SUPPORT: Refer to 8.200.420.12 NMAC.

[8.230.400.20 NMAC - Rp, 8.230.400.20 NMAC, 1-1-14]

8.230.400.21 REPORTING REQUIREMENTS: Refer to 8.200.430.19 NMAC.

[8.230.400.21 NMAC - Rp, 8.230.400.21 NMAC, 1-1-14]

8.230.400.22 BUDGET GROUP: The budget group includes all members of the assistance unit. Additional budget group members include individuals who live in the household with the assistance unit and have a financial obligation of support.

A. Except for a supplemental security income (SSI) recipient, the following individuals have a financial obligation of support for medicaid eligibility:

(1) the spouse of the pregnant woman; New Mexico recognizes common law and same sex marriages established in other states; and

(2) there is a presumption that a child born to a married woman is the child of the spouse, or if the individual established parentage by some other legally recognized process.

B. The following individuals do not have a financial obligation of support for medicaid eligibility:

(1) a SSI recipient to the assistance unit;

(2) a father of the unborn child who is not married to the pregnant woman;

(3) a stepparent to a stepchild;

(4) a grandparent to a grandchild;

(5) a legal guardian or conservator of a child;

(6) an alien sponsor to the assistance unit; or

(7) a sibling to a sibling.

[8.230.400.22 NMAC - N, 1-1-14]

8.230.400.23 LIVING IN THE HOME:

A. **Extended living in the home:** An individual may be physically absent from the home and be a member of the assistance unit and budget group.

(1) Extended living in the home includes:

(a) an individual attending college or a boarding school; or

(b) an individual receiving treatment in a Title XIX medicaid facility; including institutionalized when meeting a nursing facility (NF) level of care (LOC) and intermediate care facilities for individuals with an intellectual disability (ICF-IID) LOC.

(2) When an individual has been a member of the assistance unit, eligibility for another medicaid eligibility category, such as long term care medicaid, should be evaluated. Until a determination of eligibility for another category can be made, the individual is considered to be living with the budget group.

B. **Temporary absence - extended living in the home:** An individual may be physically absent from the home and be a member of the assistance unit and budget group. These other temporary absences include:

(1) an individual not living in the home due to an emergency who is expected to return to the household within 60 calendar days;

(2) a child removed from the home of a parent or a specified relative by a child protective services agency (tribal, bureau of Indian affairs, or children, youth and families department), until an adjudicatory custody hearing takes place; if the adjudicatory hearing results in custody being granted to some other person or entity, the child will be removed from the assistance unit; or

(3) a child residing in a detention center:

(a) continues to be a member of the household if he or she resides fewer than 60 consecutive calendar days, regardless of adjudication as an inmate of a public institution; or

(b) the individual is not eligible for medicaid enrollment if he or she resides 60 consecutive calendar days or more as an adjudicated inmate of a public institution pursuant to 8.200.410 NMAC.

[8.230.400.23 NMAC - N, 1-1-14]

HISTORY OF 8.230.400 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center:

ISD 290.1000, Medical Assistance for Woman and Children, filed 11-13-84.

ISD FA 830, Medical Assistance for Woman and Children and AFDC Related Groups, filed 2-10-88.

MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups, filed 8-11-88.

MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups, filed 9-8-88.

MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups, filed 9-30-88.

MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups, filed 12-1-88.

MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups, filed 3-31-89.

MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups, filed 6-8-89.

MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups, filed 12-28-89.

MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups, filed 12-29-89.

MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups, filed 3-1-91.

MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups, filed 6-5-92.

History of Repealed Material:

MAD Rule 830, Medical Assistance for Women and Children and AFDC - Related Groups, filed 6-5-92 - Repealed effective 2-1-95.

8.230.400 NMAC, Recipient Policies, filed 6-13-03 - Repealed effective 1-1-14.