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TITLE 8 SOCIAL SERVICES
CHAPTER 233 MEDICAID ELIGIBILITY - LOSS OF AFDC - INCOME OR RESOURCES
(CATEGORY 033)
PART 400 RECIPIENT POLICIES

8.233.400.1 ISSUING AGENCY: New Mexico Human Services Department.
[2/1/95; 8.233.400.1 NMAC - Rn, 8 NMAC 4.IAF.000.1, 7/1/03]

8.233.400.2 SCOPE: The rule applies to the general public.
[2/1/95; 8.233.400.2 NMAC - Rn, 8 NMAC 4.IAF.000.2, 7/1/03]

8.233.400.3 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; 8.233.400.3 NMAC - Rn, 8 NMAC 4.IAF.000.3, 7/1/03]

8.233.400.4 DURATION: Permanent
[2/1/95; 8.233.400.4 NMAC - Rn, 8 NMAC 4.IAF.000.4, 7/1/03]

8.233.400.5 EFFECTIVE DATE: February 1, 1995
[2/1/95; 8.233.400.5 NMAC - Rn, 8 NMAC 4.IAF.000.5, 7/1/03]

8.233.400.6 OBJECTIVE: The objective of these regulations is to provide eligibility policy and procedures for the medicaid program.
[2/1/95; 8.233.400.6 NMAC - Rn, 8 NMAC 4.IAF.000.6, 7/1/03]

8.233.400.7 DEFINITIONS: [RESERVED]

8.233.400.8 [RESERVED]

8.233.400.9 MEDICAID COVERAGE WHEN DEEMED INCOME OR RESOURCES RESULT IN AFDC INELIGIBILITY - CATEGORY 033: Certain members of an assistance unit can receive medicaid coverage if the assistance unit or members of the assistance unit are ineligible for aid to families with dependent children (AFDC) solely due to income or resources deemed from an alien sponsor, stepparent, grandparent(s), or sibling.
[2/1/95; 8.233.400.9 NMAC - Rn, 8 NMAC 4.IAF.400, 7/1/03]

8.233.400.10 BASIS FOR DEFINING THE GROUP: To be eligible for category 033, the assistance unit must continue to meet all other AFDC requirements, except for registration for and participation in employment assistance programs.

A. **Deemed income or resources from stepparent:** A dependent child who is ineligible for AFDC solely due to income or resources deemed from a stepparent is eligible to receive medicaid if the assistance unit continues to meet all other AFDC requirements, except for registration for and participation in employment assistance programs. The parent of the dependent child who is the spouse of the stepparent is not considered eligible for medicaid because of spousal support obligation.

B. **Deemed income or resources from grandparent:** A child who is ineligible for AFDC solely due to income or resources deemed available to his/her minor parent is eligible for medicaid if the assistance unit continues to meet all other AFDC requirements, except for registration for and participation in employment assistance programs. The minor parent is not eligible for medicaid because of the support obligation of his/her parents.

C. **Income or resources of a dependent child Included in AFDC assistance unit:** An AFDC assistance unit member who is ineligible for AFDC solely due to deemed income or resources from a dependent child included in the assistance unit is eligible for medicaid. The assistance unit must continue to meet all other

AFDC requirements except for registration for and participation in employment assistance programs. The dependent child who receives the income or resources is not eligible for medicaid.
[2/1/95, 4/30/98; 8.233.400.10 NMAC - Rn, 8 NMAC 4.IAF.402, 7/1/03]

8.233.400.11 GENERAL RECIPIENT REQUIREMENTS:

[2/1/95; 8.233.400.11 NMAC - Rn, 8 NMAC 4.IAF.410, 7/1/03]

8.233.400.12 ENUMERATION: An applicant/recipient must furnish their social security account number. Medicaid eligibility is denied or terminated for an applicant/recipient who fails to furnish his/her social security number.

[2/1/95; 8.233.400.12 NMAC - Rn, 8 NMAC 4.IAF.411, 7/1/03]

8.233.400.13 CITIZENSHIP: Refer to Medical Assistance Program Manual Section 8.200.410.11 NMAC.

[2/1/95, 4/30/98; 8.233.400.13 NMAC - Rn, 8 NMAC 4.IAF.412, 7/1/03]

8.233.400.14 RESIDENCE: To be eligible for medicaid, an applicant/recipient must be physically present in New Mexico on the date of application or final determination of eligibility and must have demonstrated intent to remain in the state. A temporary absence from the state does not prevent eligibility. A temporary absence exists if the applicant/recipient leaves the state for a specific purpose with a time-limited goal, and intends to return to New Mexico when the purpose is accomplished.

[2/1/95; 8.233.400.14 NMAC - Rn, 8 NMAC 4.IAF.413, 7/1/03]

8.233.400.15 EMPLOYMENT, TRAINING AND WORK REGISTRATION: Applicant/recipients of category 033 are not required to register for or participate in employment assistance programs.

[2/1/95; 8.233.400.15 NMAC - Rn, 8 NMAC 4.IAF.415, 7/1/03]

8.233.400.16 RECIPIENT RIGHTS AND RESPONSIBILITIES: An applicant/recipient is responsible for establishing his/her eligibility for medicaid. As part of this responsibility, the applicant/recipient must provide required information and documents or take the actions necessary to establish eligibility. Failure to do so must result in a decision that eligibility does not exist. An applicant/recipient must also grant the human services department (HSD) permission to contact other persons, agencies or sources of information which are necessary to establish eligibility.

[2/1/95; 8.233.400.16 NMAC - Rn, 8 NMAC 4.IAF.430, 7/1/03]

8.233.400.17 ASSIGNMENTS OF MEDICAL SUPPORT: Refer to Medical Assistance Program Manual Subsection F of 8.200.420.12 NMAC.

[2/1/95; 8.233.400.17 NMAC - Rn, 8 NMAC 4.IAF.434 & A, 7/1/03]

8.233.400.18 REPORTING REQUIREMENTS: A medicaid recipient must report any change in circumstances which may affect his/her eligibility to the local income support division (ISD) office within ten (10) days of the change.

[2/1/95; 8.233.400.18 NMAC – Rn, 8 NMAC 4.IAF.450 & A, 7/1/03]

HISTORY OF 8.233.400 NMAC: [RESERVED]