



State of New Mexico Health Care Authority **Register**

I. DEPARTMENT

NEW MEXICO HEALTH CARE AUTHORITY

II. SUBJECT

ANNUAL ADJUSTMENTS TO INCOME LIMITS

III. PROGRAM AFFECTED

NEW MEXICO WORKS (NMW) CASH ASSISTANCE PROGRAM
SUPPORT SERVICES
EDUCATION WORKS PROGRAM
GENERAL ASSISTANCE PROGRAMS

IV. ACTION

AMENEDDED PROPOSED AMENDMENTS

V. BACKGROUND SUMMARY

AMENEDDED

The Health Care Authority (HCA) Income Support Division (ISD) is amending the Notice of Hearing that was originally posted on State Records Center and Archives (SRCA) New Mexico Register, Volume XXXVI, Issue 22, November 18, 2025 ([Notice](#)). The Notice of Hearing was not posted to the New Mexico HCA website or the Sunshine Portal. This amended notice is issued to ensure publication on both platforms.

The Health Care Authority (HCA) Income Support Division (ISD) implemented a temporary emergency rule which was effective October 1, 2025, this does not permanently amend or repeal the existing rule and will only remain in effect until this permanent rule takes effect under the normal rule making process.

Each year the Authority is required to make changes to the income and resource eligibility standards as well as the deduction amounts available to otherwise eligible households. These amounts are determined by the United States Department of Agriculture (USDA) Food and Nutrition Services (FNS).

The Authority received notification of the adjusted amounts on August 13, 2025, and made the adjustments effective for benefit month October 2025 for Federal Fiscal Year (FFY) 2026 to comply with federal law and regulations. Because the Authority received the notice of the federal Cost-of-Living Adjustments (COLA) with less than sixty days to implement the changes to be effective on October 1 and had insufficient time to follow the regular rulemaking process an emergency rule was implemented to remain federally compliant as failure to implement by October 1 would place the Authority in violation of Federal law.

The rules that will be amended New Mexico Administrative Code (NMAC) sections:

8.102.500

Section 1:

- Changing New Mexico Human Services Department to New Mexico Health Care Authority
- No other language in section 1 is under review at this time.

Section 3:

- Changing by deleting human services department and updating to health care authority
- No other language in section 3 is under review at this time.

Section 8:

- Updating Subsection B. “Gross income limits”
 - (2) The gross income limit for the size of the benefit group is as follows:
 - (a) one person [~~\$1,067~~] \$1,109
 - (b) two persons [~~\$1,448~~] \$1,499
 - (c) three persons [~~\$1,829~~] \$1,888
 - (d) four persons [~~\$2,210~~] \$2,278
 - (e) five persons [~~\$2,592~~] \$2,667
 - (f) six persons [~~\$2,972~~] \$3,057
 - (g) seven persons [~~\$3,353~~] \$3,447
 - (h) eight persons [~~\$3,735~~] \$3,836
 - (i) add [~~\$382~~] \$390 for each additional person.
- Updating Subsection C Eligibility for support services only:
 - (1) one person [\$1,255] \$1,305
 - (2) two persons [~~\$1,704~~] \$1,763
 - (3) three persons [~~\$2,152~~] \$2,221
 - (4) four persons [~~\$2,600~~] \$2,680
 - (5) five persons [~~\$3,049~~] \$3,138
 - (6) six persons [~~\$3,497~~] \$3,596
 - (7) seven persons [~~\$3,945~~] \$4,055
 - (8) eight persons [~~\$4,394~~] \$4,513
 - (9) add [~~\$449~~] \$459 for each additional person.
- Updating Subsection D Standard of Need:
 - (i) add [~~\$144~~] \$112 for each additional person
- No other language in section 8 is under review at this time.

8.106.500

Section 1:

- Changing New Mexico Human Services Department to New Mexico Health Care Authority
- No other language in section 1 is under review at this time.

Section 8:

- Updating Subsection B. “Gross income limits”
 - (2) The gross income limit for the size of the benefit group is as follows:
 - (a) one person [~~\$1,067~~] \$1,109
 - (b) two persons [~~\$1,448~~] \$1,499
 - (c) three persons [~~\$1,829~~] \$1,888
 - (d) four persons [~~\$2,210~~] \$2,278
 - (e) five persons [~~\$2,592~~] \$2,667
 - (f) six persons [~~\$2,972~~] \$3,057
 - (g) seven persons [~~\$3,353~~] \$3,447
 - (h) eight persons [~~\$3,735~~] \$3,836
 - (i) add [~~\$382~~] \$390 for each additional person.
- Updating Subsection H by deleting human services department and updating to health care authority
- No other language in section 8 is under review at this time.

Section 9-8-6 NMSA 1978, authorizes the Department Secretary to promulgate rules and regulations necessary to carry out the duties of the Authority and its divisions.

VI. CONCISE EXPLANATORY STATEMENT

Regulations issued pursuant to the act are contained in 45 CFR Parts 200-299. Administration of the Health Care Authority (HCA), including its authority to promulgate regulations, is governed by Chapter 9, Article 8, NMSA 1978 (Repl. 1983).

The Authority promulgated these emergency rules and made them effective October 1, 2025, to be in compliance with Federal law. The emergency rulemaking process is necessary to avoid placing HCA in violation of federal law; the Authority is now proposing final regular rule.

VII. RULE

The Health Care Authority Register Vol. 48 No. 39 outlining the proposed rule regulations is available on the HSD’s website at: [Income Support Division Registers – New Mexico Health Care Authority](#). If you do not have internet access, a copy of the final register and rules may be requested by contacting HCA Office of the Secretary at (505) 827-7750.

VIII. PUBLICATION DATE

January 13, 2026

IX. EFFECTIVE DATE

March 25, 2026

X. PUBLIC HEARING

ISD will hold a hybrid public hearing to receive testimony on COLA Rule will be held pursuant to Section 14-4-5.6 NMSA 1978, on Thursday February 12, 2026, 10:00 am-11:00 am. You may join:

In Person: at HCA Income Support Division Santa Fe County Field Office, 39B Plaza La Prensa, Santa Fe NM 87507.

Virtually from your computer, tablet or smartphone by logging into:

Microsoft Teams [Need help? Join the meeting now](#) **Meeting ID:** 226 706 625 662 44 **Passcode:**

JC7oF2Ns You may join virtually from your computer, tablet or smartphone:

[+1 505-312-4308,,580736416#](#) United States, Albuquerque [\(888\) 506-1357,,580736416#](#) United States (Toll-free) [Find a local number](#) Phone conference ID: 580 736 416#

If you are a person with a disability and you require this information in an alternative format, or you require a special accommodation to participate in any HSD public hearing, program, or service, please contact the American Disabilities Act Coordinator, at Office-505-709-5468, Fax- 505-827-6286 or through the New Mexico Relay system, toll free at #711. The Authority requests at least a 10-day advance notice to provide the requested alternative formats and special accommodations.

Individuals who do not wish to attend the hearing may submit written or recorded comments by the following ways:

- Drop of at HCA Income Support Division, Sandoval County Office Attn: Monica Pineda at HCA Income Support Division Santa Fe County Field Office, 39B Plaza La Prensa, Santa Fe NM 87507.
- Calling (505) 819-8118.
- Mailing comments to: Income Support Division: Attn, Monica Pineda at P.O. Box 2348, Santa Fe, NM 87504-2348.
- Emailed electronically to: HCA-isdrules@hca.nm.gov.

Written or recorded comments must be received by 5:00 p.m. on the date of the hearing, February 12, 2026. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing. All written comments will be posted on the agency website at [Income Support Division Registers- New Mexico Health Care Authority](#) within 3 days of receipt.

XI. PUBLICATION

Publication of this rule is approved by:

DocuSigned by:

1BA9EB5EAD00499...
KARI ARMIJO, SECRETARY
NEW MEXICO HEALTH CARE AUTHORITY

This is an amendment to 8.102.500 NMAC, Section 1, 3, 8 effective 03/25/2026.

8.102.500.1 ISSUING AGENCY: ~~[New Mexico Human Services Department]~~ New Mexico Health Care Authority.

[8.102.500.1 NMAC - Rp 8.102.500.1 NMAC, 07/01/2001; A/E 10/1/2025; A, 03/25/2026]

8.102.500.3 STATUTORY AUTHORITY:

A. New Mexico Statutes Annotated 1978 (Chapter 27, Articles 1 and 2) authorize the state to administer the aid to families with dependent children (AFDC), general assistance (GA), shelter care supplement, the burial assistance programs and such other public welfare functions as may be assumed by the state.

B. Federal legislation contained in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 abolished the AFDC program. The federal act created the temporary assistance for needy families (TANF) block grant under Title IV of the Social Security Act. Through the New Mexico Works Act of 1998, the New Mexico works program was created to replace the aid to families with dependent children program.

C. Under authority granted to the governor by the federal Social Security Act, the ~~[human services department]~~ health care authority is designated as the state agency responsible for the TANF program in New Mexico.

D. Effective April 1, 1998, in accordance with the requirements of the New Mexico Works Act and Title IV-A of the federal Social Security Act, the department is creating the New Mexico works program as one of its cash assistance programs.

E. In close coordination with the NMW program, the department administers the food stamp employment and training program (E&T) pursuant to the Food Security Act of 1985 and federal regulations at Title 7, Code of Federal Regulations.

[8.102.500.3 NMAC - Rp 8.102.500.3 NMAC, 07/01/2001; A, 11/15/2007; A/E 10/1/2025; A, 03/25/2026]

8.102.500.8 GENERAL REQUIREMENTS:

A. Need determination process: Eligibility for NMW, state funded qualified aliens and EWP cash assistance based on need requires a finding that:

- (1) the benefit group's countable gross monthly income does not exceed the gross income limit for the size of the benefit group;
- (2) the benefit group's countable net income after all allowable deductions does not equal or exceed the standard of need for the size of the benefit group;
- (3) the countable resources owned by and available to the benefit group do not exceed the \$1,500 liquid and \$2,000 non-liquid resource limits;
- (4) the benefit group is eligible for a cash assistance payment after subtracting from the standard of need the benefit group's countable income, and any payment sanctions or recoupments.

B. Gross income limits: The total countable gross earned and unearned income of the benefit group cannot exceed eighty-five percent of the federal poverty guidelines for the size of the benefit group.

(1) Income eligibility limits are revised and adjusted each year in October.

(2) The gross income limit for the size of the benefit group is as follows:

(a)	one person	[\$1,067]	<u>\$1,109</u>
(b)	two persons	[\$1,448]	<u>\$1,499</u>
(c)	three persons	[\$1,829]	<u>\$1,888</u>
(d)	four persons	[\$2,210]	<u>\$2,278</u>
(e)	five persons	[\$2,592]	<u>\$2,667</u>
(f)	six persons	[\$2,972]	<u>\$3,057</u>
(g)	seven persons	[\$3,353]	<u>\$3,447</u>
(h)	eight persons	[\$3,735]	<u>\$3,836</u>
(i)	add [\$382]		<u>\$390</u> for each additional person.

C. Eligibility for support services only: Subject to the availability of state and federal funds, a benefit group that is not receiving cash assistance but has countable gross income that is less than one hundred percent of the federal poverty guidelines applicable to the size of the benefit group may be eligible to receive services. The gross income guidelines for the size of the benefit group are as follows:

- (1) one person ~~[\$1,255]~~ \$1,305
- (2) two persons ~~[\$1,704]~~ \$1,763
- (3) three persons ~~[\$2,152]~~ \$2,221

- (4) four persons [~~\$2,600~~] \$2,680
- (5) five persons [~~\$3,049~~] \$3,138
- (6) six persons [~~\$3,497~~] \$3,596
- (7) seven persons [~~\$3,945~~] \$4,055
- (8) eight persons [~~\$4,394~~] \$4,513
- (9) add [~~\$449~~] \$459 for each additional person.

D. Standard of need:

(1) The standard of need is based on the number of participants included in the benefit group and allows for a financial standard and basic needs.

(2) Basic needs include food, clothing, shelter, utilities, personal requirements and the participant's share of benefit group supplies.

(3) The financial standard includes approximately \$111 per month for each participant in the benefit group.

(4) The standard of need for the NMW, state funded qualified aliens, and EWP cash assistance benefit group is:

- (a) one person \$327
- (b) two persons \$439
- (c) three persons \$549
- (d) four persons \$663
- (e) five persons \$775
- (f) six persons \$887
- (g) seven persons \$999
- (h) eight persons \$1,134
- (i) add [~~\$111~~] \$112 for each additional person.

E. Special needs:

(1) **Special clothing allowance:** A special clothing allowance may be issued to assist in preparing a child for school, subject to the availability of state or federal funds and a specific allocation of the available funds for this allowance.

(a) For purposes of determining eligibility for the clothing allowance, a child is considered to be of school age if the child is six years of age or older and less than age 19 by the end of August.

(b) The clothing allowance shall be allowed for each school-age child who is included in the NMW, TBP, state funded qualified aliens, or EWP cash assistance benefit group, subject to the availability of state or federal funds.

(c) The clothing allowance is not allowed in determining eligibility for NMW, TBP, state funded qualified aliens, EWP cash assistance, or wage subsidy.

(2) **Layette:** A one-time layette allowance of \$25 is allowed upon the birth of a child who is included in the benefit group. The allowance shall be authorized by no later than the end of the month following the month in which the child is born.

(3) **Special circumstance:** Dependent upon the availability of funds and in accordance with the federal act, the HSD secretary, may establish a separate, non-recurring, cash assistance program that may waive certain New Mexico Works Act requirements due to a specific situation. This cash assistance program shall not exceed a four month time period, and is not intended to meet recurrent or ongoing needs.

F. Non-inclusion of legal guardian in benefit group: Based on the availability of state and federal funds, the department may limit the eligibility of a benefit group due to the fact that a legal guardian is not included in the benefit group.

[8.102.500.8 NMAC - Rp 8.102.500.8 NMAC, 07/01/2001; A, 10/01/2001; A, 10/01/2002; A, 10/01/2003; A/E, 10/01/2004; A/E, 10/01/2005; A, 07/17/2006; A/E, 10/01/2006; A/E, 10/01/2007; A, 11/15/2007; A, 01/01/2008; A/E, 10/01/2008; A, 08/01/2009; A, 08/14/2009; A/E, 10/01/2009; A, 10/30/2009; A, 01/01/2011; A, 01/01/2011; A, 07/29/2011; A/E, 10/01/2011; A/E, 10/01/2012; A/E, 10/01/2013; A/E, 10/01/2014; A, 10/01/2015; A, 10/01/2016; A/E, 10/01/2017; A, 02/01/2018; A/E, 10/01/2018; A, 03/01/2019; A/E, 10/01/2019; A, 03/01/2020; A/E, 10/01/2020; A, 03/01/2021; A/E, 10/01/2021; A 04/01/2022; A/E, 10/01/2022; A, 04/01/2023; A/E 10/1/2023; A, 3/1/2025; A/E 10/1/2025; A, 03/25/2026]

This is an amendment to 8.106.500 NMAC, Section 1, 8 effective 3/25/2026

8.106.500.1 ISSUING AGENCY: ~~[New Mexico Human Services Department]~~ New Mexico Health Care Authority.

[8.106.500.1 NMAC - Rp, 8.106.500.1 NMAC 3/1/2025; A/E 10/1/2025; A, 03/25/2026]

8.106.500.8 GA - GENERAL REQUIREMENTS:

A. Limited state funds may result in a suspension or reduction in general assistance benefits without eligibility and need considered.

B. Need determination process: Eligibility for the GA program based on need requires a finding that the:

(1) countable resources owned by and available to the benefit group do not exceed either the \$1,500 liquid or \$2,000 non-liquid resource limit;

(2) benefit group's countable gross earned and unearned income does not equal or exceed eighty-five percent of the federal poverty guideline for the size of the benefit group; and

(3) benefit group's countable net income does not equal or exceed the standard of need for the size of the benefit group.

C. GA payment determination: The benefit group's cash assistance payment is determined after subtracting from the standard of need the benefit group's countable income and any payment sanctions or recoupments.

D. Gross income test: The total countable gross earned and unearned income of the benefit group cannot exceed eighty-five percent of the federal poverty guidelines for the size of the benefit group.

(1) Income eligibility limits are revised and adjusted each year in October.

(2) The gross income limit for the size of the benefit group is as follows:

(a) one person ~~[\$1,067]~~ \$1,109

(b) two persons ~~[\$1,448]~~ \$1,499

(c) three persons ~~[\$1,829]~~ \$1,888

(d) four persons ~~[\$2,210]~~ \$2,278

(e) five persons ~~[\$2,592]~~ \$2,667

(f) six persons ~~[\$2,972]~~ \$3,057

(g) seven persons ~~[\$3,353]~~ \$3,447

(h) eight persons ~~[\$3,735]~~ \$3,836

(i) add ~~[\$382]~~ \$390 for each additional person.

E. Standard of need:

(1) As published monthly by the department, the standard of need is an amount provided to each GA cash assistance benefit group on a monthly basis and is based on availability of state funds, the number of individuals included in the benefit group, number of cases, number of applications processed and approved, application approval rate, number of case closures, IAR caseload number and expenditures, and number of pending applications.

(2) Basic needs include food, clothing, shelter, utilities, personal requirements and an individual benefit group member's share of supplies.

(3) **Notice:** The department shall issue prior public notice identifying any change(s) to the standard of need amounts for the next quarter, as discussed at 8.106.630.11 NMAC.

F. Net income test: The total countable earned and unearned income of the benefit group after all allowable deductions cannot equal or exceed the standard of need for the size of the GA benefit group. After the countable net income is determined it is rounded down prior to the comparison of the household's income to the standard of need to determine the households monthly benefit amount.

G. Special clothing allowance for school-age dependent children: A special clothing allowance may be issued to assist in preparing a child for school, subject to the availability of state or federal funds and a specific allocation of the available funds for this allowance.

(1) For purposes of determining eligibility for the clothing allowance, a child is considered to be of school age as defined by PED.

(2) The clothing allowance shall be allowed for each school-age child who is included in the GA cash assistance benefit group, subject to the availability of state or federal funds.

(3) The clothing allowance is not counted in determining eligibility for GA cash assistance.

H. Supplemental issuance: A one-time supplemental issuance may be distributed to recipients of GA for disabled adults based on the sole discretion of the secretary of the ~~[human services department]~~ health care authority department and the availability of state funds.

(1) The one time supplemental issuance may be no more than the standard GA payment made during the month the GA payment was issued.

(2) To be eligible to receive the one time supplement, a GA application must be active and determined eligible no later than the last day of the month in the month the one time supplement is issued.

I. Minimum Benefit Amount: Benefits less than ten dollars (\$10.00) will not be issued for the initial month or subsequent months. ISD shall certify household beginning the month of application.
[8.106.500.8 NMAC - Rp, 8.106.500.8 NMAC 3/1/2025; A/E 10/1/2025; A, 03/25/2026]