

From: [D](#)
To: [HCA-madrules](#)
Subject: [EXTERNAL] Public comment regarding proposed change to 8.291.410.27(C)
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To whom it may concern:

I am submitting these public comments regarding the new rule proposed by the New Mexico Healthcare Authority (HCA) Medical Assistance Division, as reported in the New Mexico Register, Volume XXXVII, Issue 15 (August 11, 2026). This rule relates to the implementation of new address confirmation and community engagement requirements for Medicaid beneficiaries beginning January 1, 2027.

The state proposes adopting a new rule for Medicaid beneficiaries relating to out of state address changes located at NMAC **8.291.410.27(C)**. The rule requires that the state provide notification of termination of Medicaid benefits if the state cannot confirm that an individual continues to meet state residency requirements after making a good faith effort to contact the beneficiary.

What this proposed language does not account for is that the state has a preexisting procedure for beneficiaries to notify the state of temporary out of state absences. This procedure is located at NMAC **8.291.410.15(D)**. As I see it:

1. **8.291.410.15(D)** establishes the substantive rule: a beneficiary may be outside New Mexico under specified circumstances without abandoning New Mexico residency.
2. The beneficiary has the burden of complying with 15(D)'s standards and notification requirements.
3. Once the beneficiary has complied with 15(D) an out-of-state address should not independently trigger a benefit termination process under **8.291.410.27(C)**.
4. If HCA later has grounds to conclude that the beneficiary has actually abandoned New Mexico residency then 15(D) supplies the governing standard for that determination.

The proposed rule should expressly establish that **8.291.410.15(D)** controls when a beneficiary has complied with its requirements. Otherwise **8.291.410.27(C)** creates the possibility that an administrative address-confirmation procedure will override the substantive residency protection provided by **8.291.410.15(D)**. I recommend rewriting the rule as follows: (CHANGES IN CAPITAL LETTERS)

8.291.410.27(C)(1) THE HCA SHALL ASCERTAIN IF THE BENEFICIARY IS IN COMPLIANCE WITH 8.291.410.15(D). A BENEFICIARY THAT HAS MET THE STANDARDS AND COMPLIED WITH THE NOTIFICATION REQUIREMENTS OF 8.291.410.15(D) SHALL NOT HAVE THEIR BENEFITS TERMINATED FOLLOWING AN OUT OF STATE ADDRESS CHANGE UNLESS AND UNTIL THE STATE HAS SUBSEQUENTLY DETERMINED THE BENEFICIARY TO HAVE ABANDONED RESIDENCY PURSUANT TO 8.291.410.15(D).

8.291.410.27(C)(2) IF THE HCA CANNOT VERIFY THAT THE BENEFICIARY IS IN COMPLIANCE WITH 8.291.410.15(D) THEN HCA must make a good-faith effort, as described in Subsection E of 8.291.410.27 NMAC, to contact the beneficiary to confirm the ADDRESS CHANGE or obtain information on whether the beneficiary continues to meet the HCA's state residency requirement.

8.291.410.27(C)(3) If the HCA is unable to confirm that the beneficiary continues to meet state residency requirements, the HCA must provide advance notice of termination and fair hearing rights.

Daniel Thomas