

NMAC**Transmittal Form**FILED WITH
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Volume: Issue: Publication date: Number of pages: (ALD Use Only) Sequence No.

Issuing agency name and address:

Agency DFA code:

Contact person's name:

Phone number:

E-mail address:

Type of rule action:

(ALD Use) Recent filing date:

New ☐ Amendment ☒ Repeal ☐ Emergency ☐ Renumber ☐

Title number:

Title name:

Chapter number:

Chapter name:

Part number:

Part name:

Amendment description (If filing an amendment):

Amendment's NMAC citation (If filing an amendment):

Are there any materials incorporated by reference?

Please list attachments or Internet sites if applicable.

Yes ☐ No ☒

If materials are attached, has copyright permission been received?

Yes ☐No ☐Public domain ☐**Specific statutory or other authority authorizing rulemaking:**

Notice date(s):

Hearing date(s):

Rule adoption date:

Rule effective date:

Concise Explanatory Statement For Rulemaking Adoption:

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Findings required for rulemaking adoption:

Findings MUST include:

- Reasons for adopting rule, including any findings otherwise required by law of the agency, and a summary of any independent analysis done by the agency;
- Reasons for any change between the published proposed rule and the final rule; and
- Reasons for not accepting substantive arguments made through public comment.

The Health Care Authority did not receive any public comment on these changes so the rule is being adopted as proposed.

Issuing authority (If delegated, authority letter must be on file with ALD):

Name:

Check if authority has been delegated

Kari Armijo

☐

Title:

Secretary

Signature: (BLACK ink only OR Digital Signature)

Date signed:

DocuSigned by:

Kari Armijo

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5/6/2025

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This is an amendment to 8.299.400 NMAC, Sections 1, 3, 8 and 9 effective 7/1/2025.

8.299.400.1 ISSUING AGENCY: New Mexico Health Care Authority (HCA).

[8.299.400.1 NMAC - Rp, 8.299.400.1 NMAC, 1/1/2019; A, 7/1/2024; A, 7/1/2025]

8.299.400.3 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 Section 27-1-12 *et seq.*, NMSA 1978. Section 9-8-1 *et seq.* NMSA 1978 establishes the ~~[health care authority (HCA)]~~ HCA as a single, unified department to administer laws and exercise functions relating to health care facility licensure and health care purchasing and regulation.

[8.299.400.3 NMAC - Rp, 8.299.400.3 NMAC, 1/1/2019; A, 7/1/2024; A, 7/1/2025]

8.299.400.8 [RESERVED] MISSION: We ensure that New Mexicans attain their highest level of health by providing whole-person, cost-effective, accessible, and high-quality health care and safety-net services.

[8.299.400.7 NMAC - Rp, 8.299.400.8 NMAC, 1/1/2019; A, 7/1/2025]

8.299.400.9 WHO CAN BE A RECIPIENT (42 CFR 435.214):

[HSD] The health care authority provides medicaid limited to family planning and family planning related services to individuals (of any gender) who:

- [— **A.** — are under the age of 51 and do not have other health insurance; or
- **B.** — who are under the age of 65 who have only medicare coverage and no other health insurance; and
- **C.** — who are not pregnant; and
- **D.** — meet the general recipient requirements found at 8.291.410 NMAC; and
- **E.** — meet the income eligibility requirements found at Subsection B of 8.299.500.10 NMAC.]
- **A.** — are not pregnant; and
- **B.** — meet the general recipient requirements found at 8.291.410 NMAC; and
- **C.** — meet the income eligibility requirements found at Subsection B of 8.299.500.10 NMAC.

[8.299.400.9 NMAC - Rp, 8.299.400.9 NMAC, 1/1/2019; A, 7/1/2025]