

**TRANSITIONAL MEDICAID ELIGIBILITY – LOSS OF JUL FAMILY MEDICAID  
RECIPIENT REQUIREMENTS  
Tribal Consultation Version 9.18.13**

**TITLE 8 SOCIAL SERVICES  
CHAPTER 228 TRANSITIONAL MEDICAID ELIGIBILITY - LOSS OF JUL FAMILY MEDICAID  
PART 400 RECIPIENT REQUIREMENTS**

**8.228.400.1 ISSUING AGENCY:** New Mexico Human Services Department (HSD).  
[8.228.400.1 NMAC - Rp, 8.228.400.1 NMAC, 1-1-14]

**8.228.400.2 SCOPE:** The rule applies to the general public.  
[8.228.400.2 NMAC - Rp, 8.228.400.2 NMAC, 1-1-14]

**8.228.400.3 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.  
[8.228.400.3 NMAC - Rp, 8.228.400.3 NMAC, 1-1-14]

**8.228.400.4 DURATION:** Permanent.  
[8.228.400.4 NMAC - Rp, 8.228.400.4 NMAC, 1-1-14]

**8.228.400.5 EFFECTIVE DATE:** January 1, 2014, unless a later date is cited at the end of a section.  
[8.228.400.5 NMAC - Rp, 8.228.400.5 NMAC, 1-1-14]

**8.228.400.6 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*.  
[8.228.400.6 NMAC - Rp, 8.228.400.6 NMAC, 1-1-14]

**8.228.400.7 DEFINITIONS:** [RESERVED]

**8.228.400.8 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.  
[8.228.400.8 NMAC - N, 1-1-14]

**8.228.400.9 TRANSITIONAL MEDICAID - CATEGORY 028:** When a JUL family medicaid assistance unit loses medicaid, due to earnings, the assistance unit is eligible for transitional medicaid under Category 028 for 12 calendar months. Eligibility begins the first month following JUL family medicaid ineligibility.

A. An eligible recipient or the assistance unit must have:

- (1) received JUL medicaid in one of the preceding six months;
- (2) lost JUL family medicaid due to countable earnings;
- (3) at least one eligible dependent child living in the home;
- (4) an individual who meets the eligibility requirements pursuant to 8.200.410 NMAC and 8.200.420

NMAC citizenship or alien status; enumeration; residence; non-concurrent receipt of assistance; and applications for other benefits; and

(5) assigned medical support rights to HSD and agreed to cooperate with third party liability responsibilities pursuant to 8.200.430 NMAC.

B. An eligible recipient may have other creditable health insurance coverage.

C. An individual who is an inmate of a public institution is not eligible pursuant to 8.200.410 NMAC.

[8.228.400.9 NMAC - Rp, 8.228.200.9 NMAC, 1-1-14]

**8.228.400.10 BASIS FOR DEFINING THE GROUP:** The following individuals are not included in the assistance unit in the determination of eligibility for transitional medicaid:

A. individuals who enter the assistance unit after the transitional benefit period begins;

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B. children who no longer meet the age requirements for JUL medicaid. For JUL medicaid, a child must be less than 19 years of age; or

C. an assistance unit or individuals who were ineligible for assistance in any one or more of the six month prior to losing JUL benefits because they committed fraud.

[8.228.400.10 NMAC - Rp, 8.228.400.10 NMAC, 1-1-14]

**8.228.400.11** [RESERVED]

**8.228.400.12 ENUMERATION:** Refer to 8.200.410.10 NMAC.

[8.228.400.12 NMAC - Rp, 8.228.400.12 NMAC, 1-1-14]

**8.228.400.13 CITIZENSHIP:** Refer to 8.200.410.11 NMAC.

[8.228.400.13 NMAC - Rp, 8.228.400.13 NMAC, 1-1-14]

**8.228.400.14 RESIDENCE:** Refer to 8.200.410.12 NMAC.

[8.228.400.14 NMAC - Rp, 8.228.400.14 NMAC, 1-1-14]

**8.228.400.15** [RESERVED]

**8.228.400.16 AGE:** The JUL age requirements apply to this category. Refer to 8.202.400.20 NMAC.

[8.228.400.16 NMAC - Rp, 8.228.400.16 NMAC, 1-1-14]

**8.228.400.17 RECIPIENT RIGHTS AND RESPONSIBILITIES:** Refer to 8.200.430 NMAC.

[8.228.400.17 NMAC - Rp, 8.228.400.17 NMAC, 1-1-14]

**8.228.400.18 ASSIGNMENTS OF MEDICAL SUPPORT:** Refer to 8.200.420.12 NMAC.

[8.228.400.18 NMAC - Rp, 8.228.400.18 NMAC, 1-1-14]

**8.228.400.19 REPORTING REQUIREMENTS:** Refer to 8.200.430.19 NMAC.

[8.228.400.19 NMAC - Rp, 8.228.400.19 NMAC, 1-1-14]

**HISTORY OF 8.228.400 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.
- MAD Rule 837, Transitional Medicaid - Extended Medicaid Benefits to Families Who Lose AFDC Because of Earnings from Employment or Loss of Earned Income Disregard (EID), filed 9-26-94.

**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.
- MAD Rule 837, Transitional Medicaid - Extended Medicaid Benefits to Families Who Lose AFDC Because of Earnings from Employment or Loss of Earned Income Disregard (EID), filed 9-26-94 - Repealed effective 2-1-95.
- 8.228.400 NMAC, Recipient Policies, filed 6-13-03 - Repealed effective 1-1-14.

**MAD-MR:**

**EFF DATE: Proposed**

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