

**MEDICAID ELIGIBILITY – PARENT CARETAKER
RECIPIENT REQUIREMENTS
Tribal Consultation Version 9.18.13**

**TITLE 8 SOCIAL SERVICES
CHAPTER 292 MEDICAID ELIGIBILITY - PARENT CARETAKER
PART 400 RECIPIENT REQUIREMENTS**

8.292.400.1 ISSUING AGENCY: New Mexico Human Services Department (HSD).

[8.292.400.1 NMAC - N, 10-1-13]

8.292.400.2 SCOPE: The rule applies to the general public.

[8.292.400.2 NMAC - N, 10-1-13]

8.292.400.3 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 or by state statute. See NMSA 1978, Section 27-1-12 et seq.

[8.292.400.3 NMAC - N, 10-1-13]

8.292.400.4 DURATION: December 31, 2013.

[8.292.400.4 NMAC - N, 10-1-13]

8.292.400.5 EFFECTIVE DATE: October 1, 2013, unless a later date is cited at the end of a section.

[8.292.400.5 NMAC - N, 10-1-13]

8.292.400.6 OBJECTIVE: The objective of this rule is to provide eligibility guidelines when determining eligibility for the medical assistance division (MAD) medicaid program and other health care programs it administers. Processes for establishing and maintaining this category of eligibility are found in the affordable care general provision chapter located at 8.291.400 NMAC through 8.291.430 NMAC.

[8.292.400.6 NMAC - N, 10-1-13]

8.292.400.7 DEFINITIONS: Refer to 8.291.400.7 NMAC.

[8.292.400.7 NMAC - N, 10-1-13]

8.292.400.8 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.

[8.292.400.8 NMAC - N, 10-1-13]

8.292.400.9 WHO CAN BE A RECIPIENT: To be eligible, an individual must meet specific eligibility requirements:

A. The individual must be a natural, step or adoptive parent of a child, provided they live with the child. There is a presumption that a child born to a married woman is the child of the husband.

B. When the parent does not live with the child, specified relative(s) within the fifth degree of relationship by blood, marriage or adoption, as determined by New Mexico statute Chapter 45 - Uniform Probate Code, who live with the child may be evaluated as a specified relative caretaker(s). Refer to the relationship section in 8.291.410 NMAC.

C. A pregnant woman who has no dependent children living with her and is in her third trimester. The father of the unborn child is *not* eligible until after the child is born unless he meets the other ACA eligibility requirements.

D. A parent caretaker(s) whose only minor dependent child is an SSI recipient under age 18 may be an eligible recipient. If the parent does not live in the household, then the specified relative may be an eligible recipient.

E. An individual who meets the eligibility requirements pursuant to 8.291.400 through 8.291.430 NMAC.

F. Prior to the parent caretaker individual becoming an eligible recipient, all children listed on an application must meet the following:

(1) be evaluated for eligibility for a medicaid program if not already eligible; or

(2) if not medicaid eligible, have current health insurance coverage that meets criteria as a qualified health plan.

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[8.292.400.9 NMAC - N, 10-1-13]

8.292.400.10 PARENT CARETAKER ASSISTANCE UNIT AND BUDGET GROUP: To be considered in a parent caretaker assistance unit, an individual must apply and be determined eligible. Individuals may be included in the budget group, provided they live with the parent/caretaker and meet eligibility requirements. The budget group is established in accordance with 8.291.430 NMAC.

[8.292.400.10 NMAC - N, 10-1-13]

HISTORY OF 8.292.400 NMAC: [RESERVED]