

**INTERDEPARTMENTAL MEMORANDUM**

**MAD-GI: 23-01**

**DATE: December 15, 2023**

**TO: ISD AND MAD STAFF**

**FROM: LORELEI KELLOGG, ACTING DIRECTOR MEDICAL ASSISTANCE DIVISION**  
**KARMELA MARTINEZ, DIRECTOR, INCOME SUPPORT DIVISION**

**BY: ROY BURT, BUREAU CHIEF, ELIGIBILITY BUREAU**

**SUBJECT: MEDICAID FOR FORMER FOSTER CARE CHILDREN UP TO AGE 26**

The Affordable Care Act introduced a new mandatory Medicaid coverage group, effective January 1, 2014, for former foster care children (FFCC). The FFCC Medicaid coverage group is a non-MAGI Medicaid category that provides coverage to FFCC individuals turning age 18, or later when aging out of foster care, up to age 26. There is no income or resource test for this Medicaid coverage. FFCC must be residents of New Mexico. Recent federal changes introduced in the SUPPORTS Act, effective January 1, 2023, requires states to cover FFCC who aged out of foster care not only in New Mexico but who aged out from other states, and reside and apply in New Mexico.

Presently, the Children, Youth, and Family Department (CYFD) approves Medicaid for FFCC who age out of children's foster care at age 18 continuing their coverage on Medicaid Category of Eligibility (COE) 066. CYFD approving FFCC Medicaid is a workaround as the Department is required to have eligibility for this coverage group determined in ASPEN. There is a pending ASPEN change request to implement this new category.

Individuals are identified as former foster care individuals in YESNM/Unified Portal and on paper HSD100 and MAD100 applications by indicating "Yes" to the former foster care question which is, "Is there anyone in the household who is age 18 to 25 now, and who was in foster care and getting Medicaid before age 18?". ASPEN does not currently collect the former foster care question data.

While most FFCC coverage is identified by CYFD and sent over to ASPEN as COE 066, we are missing individuals who apply in YESNM/Unified Portal and on paper applications who may be former foster care individuals, especially those who may have aged out of foster care from another state, and who are eligible for this Medicaid coverage. To address this gap the Medical Assistance Division (MAD) gets a report out of YESNM/Unified Portal that identifies anyone on their online application who indicated "Yes" to the former foster care question. MAD then contacts CYFD to verify applicant former foster care status and once verified, eligibility is approved by CYFD/MAD under COE 066.

While MAD is addressing the gap in YESNM/Unified Portal applications (AFB), there is still a gap in paper applications submitted to the Income Support Division (ISD). **MAD is requesting that any paper HSD100 and MAD100 applications that get submitted to ISD, in which the former foster care question is indicated as “Yes” that MAD get notified for follow up with CYFD for potential FFCC Medicaid coverage.** Notifying MAD is only needed for paper applications and is not needed for AFB.

MAD notification is a temporary workaround until an ASPEN change can be implemented. MAD submitted this workaround to the federal Centers for Medicare and Medicaid Services (CMS), who is requiring that applicants get evaluated for this mandatory coverage per the SUPPORTS Act. The expectation of individuals indicating “Yes” to the former foster care question is very low.

Please email one of the following MAD staff contacts below to notify us of the need for a FFCC Medicaid review. Once MAD is notified, ISD can continue to process the application for programs requested including Medicaid. MAD is separately responsible for coordinating FFCC evaluation and eligibility through CYFD.

MAD staff contacts:

Jacinta Narvaiz, [Jacinta.Narvaiz@hsd.nm.gov](mailto:Jacinta.Narvaiz@hsd.nm.gov)

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