



HEALTH CARE
AUTHORITY

Michelle Lujan Grisham, Governor
Kari Armijo, Cabinet Secretary
Dana Flannery, Medicaid Director

INTRADEPARTMENTAL MEMORANDUM

MAD-GI: 25-01

DATE: January 27, 2025

TO: ISD AND MAD STAFF

FROM: DANA FLANNERY, DIRECTOR, MEDICAL ASSISTANCE DIVISION *[Signature]*

THROUGH: ROY BURT, BUREAU CHIEF, ELIGIBILITY BUREAU

BY: CHARLES JOHNSTON, ELIGIBILITY BUREAU

SUBJECT: GUIDANCE FOR AUTHORIZED REPRESENTATIVE APPLYING ON BEHALF OF A MINOR INDIVIDUAL

GENERAL INFORMATION

The purpose of this document is to provide guidance on who can apply for Medicaid on behalf of a minor individual. A minor individual is defined as a person who is under the age of 18 years of age per NMSA 28-6-1. A minor individual cannot enter a legally binding document.

An application for coverage of a minor individual must be signed by the parent, relative or adult acting in a responsible role on behalf of the minor individual and will be recognized as the authorized representative. Signing an application involves certain functions that are legally binding such as acknowledging, reporting and fraud responsibilities, consent to release information of a confidential nature, electronic data verifications, assignment of medical and child support rights, and must be able to access or have knowledge of other information essential to the eligibility determination process such as income or other health insurance coverage.

A homeless, abandoned, or neglected minor individual must be immediately referred to Child Protective Services (CPS) in the Children, Youth and Families Department (CYFD). If the minor individual does not meet the criteria to qualify for benefits on a CYFD category, CPS may submit and sign an application on behalf of the minor individual.

An emancipated minor may apply for benefits and sign their own application. An emancipated minor is any individual 16 years of age or older who:

- Has entered a valid marriage, whether such marriage is later dissolved or terminated, or
- A minor individual who is 16 years or older who is on active duty with a branch of the armed forces of the United States, or

- A minor individual 16 years old or older who has received a declaration of emancipation from a court of competent jurisdiction pursuant to the Emancipation of Minors Act, of the New Mexico Laws 1995, ch. 206, 549. Under the Emancipation of Minors Act [32A-21-1 to 32A-21-7 NMSA 1978], a minor aged 16 years or older may be emancipated for certain purposes when such minor is found to be willingly living separate and apart from his/her parents, guardian, or custodian, is managing his/her own financial affairs, and the court finds it in the minor's best interest. Once a minor individual is emancipated, they usually cannot reestablish a dependent status, even though the situation that originally led to his/her emancipation no longer exists.

Please address questions concerning this IPP to Jacinta.Narvaiz@hca.nm.gov or Charles.Johnston@hca.nm.gov