



State of New Mexico
Human Services Department
Human Services Register



I. DEPARTMENT

NEW MEXICO HUMAN SERVICES DEPARTMENT

II. SUBJECT

REPEAL OF RULES GOVERNING OBSOLETE MEDICAID CATEGORIES THAT ARE NO LONGER IN USE UNDER THE AFFORDABLE CARE ACT

III. PROGRAM AFFECTED

(TITLE XIX) MEDICAID

IV. ACTION

FINAL RULE REPEALS

V. BACKGROUND SUMMARY

These rules are being repealed as proposed in Human Register (HSR) Vol. 47 No. 12 because they are for programs that are defunct or no longer exist. The Human Services Department (HSD) is also proposing to repeal a Department of Health (DOH) rule within Title 7 of the New Mexico Administrative Code that has been rendered obsolete by virtual of a new rule (8.9.8 NMAC) promulgated by the Early Childhood and Education Care Department.

Section 9-8-6 NMSA 1978, authorizes the Department Secretary to promulgate rules and regulations that may be necessary to carry out the duties of the Department and its divisions.

The Department is repealing the following rules:

8.171.400 NMAC, Premium Assistance for Children, Recipient Policies; 8.171.500 NMAC, Premium Assistance for Children, Income and Resource Standards; 8.171.600 NMAC, Premium Assistance for Children, Benefit Description;

8.172.400 NMAC, Premium Assistance for Maternity, Recipient Policies; 8.172.500 NMAC, Premium Assistance for Maternity, Income and Resource Standards; 8.172.600 NMAC, Premium Assistance for Maternity, Benefit Description;

8.202.400 NMAC, Medicaid Eligibility – JUL Medicaid, Recipient Requirements; 8.202.500 NMAC, Medicaid Eligibility – JUL Medicaid, Income and Resource Standards; 8.202.600 NMAC, Medicaid Eligibility – JUL Medicaid, Benefit Description;

8.227.400 NMAC, Transitional Medicaid Eligibility – Loss of JUL Family Medicaid due to Child or Spousal Support, Recipient Requirements; 8.227.500 NMAC, Transitional Medicaid Eligibility – Loss of JUL Family Medicaid due to Child or Spousal Support, Income and Resource Standards; 8.227.600 NMAC, Transitional Medicaid Eligibility – Loss of JUL Family Medicaid due to Child or Spousal Support, Benefit Description;

8.228.400 NMAC, Transitional Medicaid Eligibility – Loss of JUL Family Medicaid, Recipient Requirements; 8.228.500 NMAC, Transitional Medicaid Eligibility – Loss of JUL Family Medicaid, Income and Resource Standards; 8.228.600 NMAC, Transitional Medicaid Eligibility – Loss of JUL Family Medicaid, Benefit Description;

8.230.400 NMAC, Medicaid Eligibility – Full Coverage for Pregnant Women, Recipient Requirements; 8.230.500 NMAC, Medicaid Eligibility – Full Coverage for Pregnant Women, Income and Resource Standards; 8.230.600 NMAC, Medicaid Eligibility – Full Coverage for Pregnant Women, Benefit Description;

8.232.400 NMAC, Medical Assistance Program Eligibility – Children Under 19 – 235 Percent of Lower Federal Poverty Guidelines, Recipient Requirements; 8.232.500 NMAC, Medical Assistance Program Eligibility – Children Under 19 – 235 Percent of Lower Federal Poverty Guidelines, Income and Resource Standards; 8.232.600 NMAC, Medical Assistance Program Eligibility – Children Under 19 – 235 Percent of Lower Federal Poverty Guidelines, Benefit Description;

8.233.400 NMAC, Medicaid Eligibility – Loss of AFDC – Income or Resources, Recipient Policies; 8.233.500 NMAC, Medicaid Eligibility – Loss of AFDC – Income or Resources, Income and Resource Standards; 8.233.600 NMAC, Medicaid Eligibility – Loss of AFDC – Income or Resources, Benefit Description; and

8.235.400 NMAC, Medical Assistance Program Eligibility – Pregnancy Services, Recipient Requirements; 8.235.500 NMAC, Medical Assistance Program Eligibility – Pregnancy Services, Income and Resource Standards; 8.235.600 NMAC, Medical Assistance Program Eligibility – Pregnancy Services, Benefit Description.

In addition, HSD has received authorization from the Department of Health to repeal one DOH rule because it was replaced by a new Early Childhood Education and Care Department rule, 8.9.8 NMAC, in July of 2021: 7.30.8 NMAC, Requirements For Family Infant Toddler Early Intervention Services.

VI. CONCISE EXPLANATORY STATEMENT

The hearing for these rules was held on June 7, 2024. Matt Ortiz of the State Records Center and Archives (SRCA) provided a statement that requested HSD to enter a finding that SRCA staff may make non-substantive, style changes to the rules and that such changes be within the scope of the rulemaking. HSD so finds and SRCA is authorized to make such changes.

No other public comment was received. Therefore the rules are repealed as proposed.

VII. RULE

The final register and rule language is available on the HSD website at: <https://www.hsd.state.nm.us/lookingforinformation/registers/>. If you do not have internet access, a copy of the final register and rules may be requested by contacting HSD Office of the Secretary at (505) 827-7750.

VIII. PUBLICATION DATE

June 25, 2024

IX. EFFECTIVE DATE

July 1, 2024.

X. PUBLICATION

Publication of this rule is approved by:

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KARI ARMIJO, SECRETARY
HUMAN SERVICES DEPARTMENT