



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**

PROPOSED RULE REPEALS

**V. BACKGROUND SUMMARY**

On July 1, 2024, the New Mexico Human Services Department (the Department) will become the New Mexico Health Care Authority (“HCA”), pursuant to the passage of S16 during the 2023 NM Legislative Session and signed into law by NM Governor Michelle Lujan Grisham. To bring the New Mexico Administrative Code (NMAC) into full alignment with this change, the Department is proposing to repeal the following rules, as listed below. The purpose for these repeals is that the rules are for programs that are defunct or no longer exist. The Department is also proposing to repeal a 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.

Notice Date: May 7, 2024

Hearing Date: June 7, 2024

Proposed Adoption Date: June 7, 2024

Effective Date: July 1, 2024

**The Department is proposing to repeal 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. RULE

The final register and listing of repealed rules is available on the HSD website at: <https://www.hsd.state.nm.us/lookingforinformation/register/>. If you do not have internet access, a copy of the final register and list of rules may be requested by contacting HSD at (505) 709-8865.

## VII. EFFECTIVE DATE

These rules will be repealed effective July 1, 2024.

## VIII. PUBLIC HEARING

A public hearing to receive testimony on these repeals will be held on **June 7, 2024, at 1:00 pm** Mountain Time (MT). There are three options for attending the hearing:

1. Attend in person by coming to the large conference room at the Administrative Services Division (ASD), 1474 Rodeo Rd., Santa Fe, NM 87505.
2. Join the Zoom webinar on your computer, mobile app or room device:  
<https://us02web.zoom.us/j/83851836020?pwd=R0haZFdMK2hyaEduR0RqeGdGUXBhdz09>  
Webinar ID 838 5183 6020  
Passcode 529198
3. Or call in (audio only):

+1-669-900-6833,,83851836020# or +1-719-359-4580,,83851836020#

Webinar ID 838 5183 6020  
Passcode 529198

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact HSD at (505) 709-8865. The Department requests at least 10 working days advance notice to provide requested alternative formats and special accommodations.

Copies of all comments will be made available upon request by providing copies directly to a requestor or by making them available on the Department's website or at a location within the county of the requestor.

## IX. ADDRESS

Interested persons may address written comments to:

Human Services Department  
Office of the Secretary  
ATTN: HSD/HCA Rule Change Public Comments  
P.O. Box 2348  
Santa Fe, New Mexico 87504-2348

Recorded comments may be left at (505) 709-8865. Interested persons may also address comments via electronic mail to: [Diane.Bilodeau@hsd.nm.gov](mailto:Diane.Bilodeau@hsd.nm.gov). Written mail, electronic mail and recorded comments must be received **no later than 5 p.m. MT on June 7, 2024**. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing. All written comments received will be posted as they are received on the HSD website at <https://www.hsd.state.nm.us/2024-comment-period-open/>, along with the applicable register and rule. The public posting will include the name and any contact information provided by the commenter.

## X. PUBLICATION

Publication of this rule is approved by:

DocuSigned by:

*Kari Armijo*

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KARI ARMIJO, SECRETARY  
HUMAN SERVICES DEPARTMENT