



STATE OF NEW MEXICO
HUMAN SERVICES DEPARTMENT
HUMAN SERVICES REGISTER

I. DEPARTMENT

HUMAN SERVICES DEPARTMENT

II. SUBJECT

GENERAL PROVISION

SCREENING FOR SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM
(SNAP) EXPEDITED SERVICE

TIMEFRAME FOR PROVISION OF VERIFICATION
PROCEDURAL DENIALS
EXTENSION OF TIME BEYOND THE 30TH DAY

MEDICAL ASSISTANCE
THE 45-DAY PROCESSING TIMEFRAME
THE 90-DAY PROCESSING TIMEFRAME

GENERAL ASSISTANCE

NON-FINANCIAL VERIFICATION STANDARDS-IDENTITY
MEDICAL ASSISTANCE PROGRAMS

NON FINANCIAL VERIFICATION STANDARD-CITIZENSHIP AND ELIGIBLE
NON-CITIZEN STATUS
MEDICAL ASSISTANCE PROGRAMS

NON FINANCIAL VERIFICATION STANDARDS-OTHER
FLEEING FELON, PROBATION OR PAROLE VIOLATOR

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP):

TIME LIMITS
OPPORTUNITY TO PARTICIPATE
DELAYED ELIGIBILITY DETERMINATIONS

DISPOSITIONS OF APPLICATION/NOTICES

DESIGNATING THE HEAD OF THE HOUSEHOLD

HOUSEHOLDS WITH CHILDREN
HOUSEHOLDS WITH NO ADULT PARENT OR ADULT WITH PARENTAL
CONTROL
DESIGNATION OF HEAD OF HOUSEHOLD BY THE ISS

EXPEDITED SNAP SERVICE
IDENTIFYING ELIGIBLE HOUSEHOLDS
TIME LIMITS

III. PROGRAMS AFFECTED

CASH PROGRAMS
SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)
MEDICAL ASSISTANCE PROGRAMS

IV. ACTION

PROPOSED RULE

V. BACKGROUND

The Department is promulgating proposed regulations to the General Provisions and Supplemental Nutrition Assistance Program (SNAP), administered by the Human Services Department, including its authority to promulgate regulations, and is governed by Chapter 9, Article 8, NMSA 1978 (Repl. 1983).

General Provisions:

The Department is proposing to:

- Create consistency along with compliance with the Code of Federal Regulations (CFR) regarding the screening of applicants for entitlement to expedite processing.
- Align the timeframe of verification in accordance with CFR. The Department is removing the requirement of the applicant to request an extension beyond the 30th day after the application date and mirroring CFR language to be federally compliant.
 - The department's corrective action implementation, in response to a Food and Nutrition Services (FNS) State Management Evaluation (ME) finding, is that the rule will be updated to be in compliance with CFR in regards to the extension of time for verification.
- The Department is updating language and clarifying policy in regards to:
 - Procedural denials;
 - Missed interviews;
 - Extension of time beyond the 30th day;
 - Household caused delays; and
 - Department caused delays.

- Remove the language in regards to exemptions from providing documentation of citizenship and identity for Medical assistance programs and making reference to CFR for acceptable documentary evidence of citizenship and identity.
- Clarify the processing timeframe for Medical Assistance categories and defining when a reasonable opportunity is provided.
- Define how a reconsideration of a disability determination for General Assistance may be requested, the timeframe that the reconsideration request may be made, and how long the reconsideration period is from date of denial.
- Make necessary updates to fleeing felon and probation and parole violator to comply with CFR. The rule also outlines how to determine the individual as a fleeing felon or probation and parole violator, timeframes that the department must follow to request and receive information from law enforcement and how to process applications while waiting for verification.

Supplemental Nutrition Assistance Program (SNAP):

The Department is proposing to:

- Clarify language to define and explain the timeframe for a SNAP household to have an opportunity to participate.
- Create consistency along with compliance with the Code of Federal Regulations (CFR) regarding the screening of applicants for entitlement to expedite processing.
- Comply with CFR and clarify process in regards to applicant delays in eligibility determinations.
- Comply with CFR and clarify process in regards to the denial of household applications.
- Comply with CFR and clarify process in regards to department and household delays beyond 60 days.
- Update language from ISS to ISD.
- Update incorrect policy references.

Concise Explanatory Statement:

- The Human Services Department is amending the rule to be in compliance with the CFR. The rule will be amended under the following statutory authority:

Under the statutory authority of the food stamp program as authorized by the Food Stamp Act of 1977 as amended (7 U.S.C. 2011-2036). Regulations issued pursuant to the act are contained in 7 CFR Parts 270-282. State authority for administering the food stamp program is contained in Chapter 27 NMSA, 1978. Administration of the Human Services Department (HSD), including its authority to promulgate regulations, is governed by Chapter 9, Article 8, NMSA 1978 (Repl. 1983).

VI. PROPOSED REGULATIONS

VI. PROPOSED REGULATIONS

This register and proposed regulations are also available on the New Mexico Human Services Department (HSD) website at: <http://www.hsd.state.nm.us/LookingForInformation/income-support-division-registers.aspx>. If you do not have Internet access, a copy of the proposed regulations may be requested by contacting the Income Support Division, P.O. Box 2348, Santa Fe, New Mexico 87504-2348 or by calling 505-827-7250 or 505-827-7254. HSD will hold a public hearing to allow comment on the proposed amendments of the Supplemental Nutrition Assistance Program (SNAP) and General Provisions regulations. The hearing will be held on Friday, October 26, 2018, from 9:30 a.m. to 10:30 a.m., at the HSD Administrative Services Division (ASD) conference room, 1474 Rodeo Road, Santa Fe, NM 87505. The conference room is located at the ASD Rodeo Building, first floor. Individuals wishing to testify may contact the Income Support Division, P.O. Box 2348, Santa Fe, NM 87504-2348, or by calling (505) 827-7254. If you are a person with a disability and you require this information in an alternative format, or you require a special accommodation to participate in any HSD public hearing, program, or service, please contact the American Disabilities Act Coordinator, at 505-827-6201 or through the New Mexico Relay system, toll free at #711. The Department requests at least a 10-day advance notice to provide requested alternative formats and special accommodations.

VII. PUBLICATION DATE

September 25, 2018

VIII. ADDRESS

Individuals who do not wish to attend the hearing may submit written or recorded comments. Written or recorded comments must be received by 5:00 p.m. on the date of the hearing, October 26, 2018. Please send comments to:

Human Services Department
P.O. Box 2348,
Santa Fe, New Mexico 87504-2348

You may send comments electronically to: HSD-isdrules@state.nm.us

IX. PUBLICATION

Publication of these proposed regulations approved on September 12, 2018
by:



BRENT EARNEST, SECRETARY
HUMAN SERVICES DEPARTMENT

This is an amendment to 8.100.110 NMAC, Sections, 5 and 8, effective 11/01/2018.

8.100.110.5 **EFFECTIVE DATE:** July 1, 1997, unless a later date is cited at the end of a section.
[07/01/97; 8.100.1105 NMAC - Rn, 8 NMAC 3.ISD.000.5, 04/13/2001; A, 11/01/2018]

8.100.110.8 **RIGHT TO APPLY:** Each individual shall have the opportunity to apply for public assistance programs administered by the department or to have an authorized representative do so on his or her behalf. Paper application forms must be readily accessible in the ISD local office lobby and provided to any person who requests the form. Applications are made in a format prescribed by the department to include paper forms or electronic submissions. All forms and notices will be accessible to individuals with limited-English proficiency or disabilities. ISD will post signs in local field offices which explain the application processing standards and the right to file an application on the day of initial contact.

A. Screening: Every applicant shall have the opportunity to meet, face to face or telephonically, with ISD when an application is submitted during regular business hours. ISD will review the application, assist the applicant in completing the application, if it is incomplete or assistance is otherwise necessary, and will assist in identifying the public assistance program(s) for which the applicant wishes to apply.

(1) Screening for supplemental nutrition assistance program (SNAP) expedited service: ISD will screen SNAP applicants for entitlement to expedited processing, using the standard formula and documenting the application, [~~the same day the application is received by ISD~~] at the time the household requests assistance.

(a) If the applicant is eligible for expedited service, the SNAP application will be processed in accordance with 8.139.110.16 NMAC.

(b) If expedited SNAP processing is denied, the applicant will be informed of the right to request an agency review conference to be held within two (2) days of the request unless the household requests a later date pursuant to Paragraph (4) of Subsection E of 8.100.970.10 NMAC.

(2) Proof checklist: ISD shall provide each household at the time of application for certification and recertification with a notice that informs the household of the verification requirements the household must meet as part of the application process. The notice shall also inform the household of ISD's responsibility to assist the household in obtaining required verification provided the household is cooperating with ISD as specified in 7 C.F.R. 273.2(d)(1) and Section F of 8.139.110.11 NMAC. The notice shall be written in clear and simple language and shall meet the bilingual requirements designated in 7 C.F.R. 272.4(b). At a minimum, the notice shall contain examples of the types of documents the household should provide and explain the period of time the documents should cover.

(3) Scheduling the appointment: ISD must schedule an interview for all applicant households who are not interviewed on the day their application is received by ISD. An interview should be held within 10 working days from the date the application is received by ISD and, to the extent possible, convenient for both the applicant and ISD. To the extent practicable, ISD must schedule the interview to accommodate the needs of groups with special circumstances, including working households. ISD must schedule all interviews as promptly as possible to ensure eligible households receive an opportunity to participate within 30 days after the application is filed. ISD will send an appointment letter for an interview that includes contact information for ISD, date, time and place of the appointment. ISD must notify each household that misses its interview appointment that it missed the scheduled interview and that the household is responsible for rescheduling a missed interview. If the household contacts ISD within the 30-day application processing period, ISD must schedule a second interview. ISD may not deny a household's application prior to the 30th day after application if the household fails to appear for the first scheduled interview. If the household requests a second interview during the 30-day application processing period and is determined eligible, ISD must issue prorated benefits from the date of application.

B. Alternative interviews: Specific requirements for telephone and out of office interviews are outlined in each program's chapter on this topic.

C. Screening applications received by alternative means: ISD will screen applications for all public assistance programs and for expedited SNAP eligibility which includes applications received by alternative means. Alternative means include mail, fax, online, electronic transmission, or through an authorized representative.

[07/01/97, 04/01/98; 8.100.110.8 NMAC - Rn, 8 NMAC 3.ISD.111, 04/13/2001; A, 11/27/2013; A, 03/01/2017; A, 11/01/2018]

This is an amendment to 8.100.130, Sections 3, 11, 12, 13, 16 and 22, effective 11/1/2018.

8.100.130.3 STATUTORY AUTHORITY:

A. Section 27 NMSA 1978 (1992 Repl.) provides for the department to "...adopt, amend and repeal bylaws, rules and regulations..." It also provides for administration of public assistance programs.

B. The income support division (ISD) of the human services department (HSD) was created by the HSD Secretary under authority granted by [Paragraph (3) of Subsection B of Section 9-8-6 NMSA 1978] Chapter 9, Article 8 NMSA 1978 (Repl. 1983).

[8.100.130.3 NMAC - Rp, 8.100.130.3 NMAC, 08/01/2008; A, 11/01/2018]

8.100.130.11 TIMEFRAME FOR PROVISION OF VERIFICATION: An applicant/recipient is always allowed the complete time processing deadline for the program to provide necessary verification. The minimum amount of time allowed is specific to the program. This requirement pertains to requests for verification for initial applications as well as for verification for ongoing eligibility. Below are the time frames for provision of verification by type of assistance. ISD shall make an eligibility decision within three work days of the receipt of all necessary verification.

A. Food assistance and NMW/EWP cash assistance programs: The application disposition deadline for SNAP and cash assistance programs is 30 calendar days.

(1) **Expedited (emergency) SNAP:** If applicant is eligible for expedited SNAP processing, issue benefits no later than the sixth day following the date of application to be available to the applicant/recipient on the seventh day or the preceding work day if the sixth day falls on a weekend or holiday.

(2) **Day 1:** Calendar day following date of application.

(3) **Approvals:** If verification provided establishes eligibility and the 30th calendar day after the application is:

- (a) Monday by the preceding Friday, the 27th day;
- (b) Tuesday by the preceding Monday, the 29th day;
- (c) Wednesday by the preceding Tuesday, the 29th day;
- (d) Thursday by the preceding Wednesday, the 29th day;
- (e) Friday by the preceding Thursday, the 29th day;
- (f) Saturday by the preceding Friday, the 29th day;
- (g) Sunday by the preceding Friday, the 28th day;
- (h) Monday holiday by the preceding Friday, the 27th day;
- (i) if necessary verification is not received by these deadlines but is received on or

before the end of the processing period, approve on the day that full verification is provided.

(4) **Need-based determination:** ISD must make a need-based eligibility determination for SNAP within 30 days of the date of the application or by the preceding work day if the 30th day falls on a weekend or holiday, if all mandatory verification has been received, with the following specific provisions. If one or more household members have failed to turn in mandatory individual verification that is not required for all the mandatory members of a household, ISD will deny those members missing verification, and will determine eligibility for the remaining members.

(5) **Procedural denials:**

(a) **Lack of verification:** [~~If verification needed to determine eligibility is not provided and no extension of time is requested, deny on the 30th day after the application date or by next work day if 30th day falls on weekend or holiday.~~] In cases where ISD was able to conduct an interview and request all necessary verification on the same day or any day before the 30th day after the application was filed, and no subsequent requests for verification have been made, ISD may deny the application on the 30th day. Following the day of application, if ISD provided assistance to the household in obtaining the verification in accordance with 7 CFR 273.2(f)(5), but the household failed to provide the requested verification, ISD may deny the application on the 30th day after the application was filed.

(b) **Missed interview:** [~~Make eligibility decision on the 30th day after the application date or by next work day if 30th day falls on weekend or holiday if applicant missed interview and did not reschedule interview.~~] If the household failed to appear for a scheduled interview and made no subsequent contact with ISD to express interest in pursuing the application, the application shall be denied on the 30th day following the day of application. The household must file a new application if it wishes to participate in the program.

(6) **Extension of time beyond the 30th day:** [~~Make eligibility decision no later than the~~

~~60th day after the application date if the applicant requests one or more 10-day extensions of time to provide needed verification. There may only be three 10-day extensions.] If ISD does not determine a household's eligibility and provide an opportunity to participate within 30 days following the date the application was filed, ISD shall take action in accordance with 7 CFR 273.2(h).~~

(a) Household caused: If by the 30th day ISD cannot take any further action due to the fault of the household, the household shall lose its entitlement to benefits for the month of application and a notice of denial shall be issued. The household will be given an additional 30 days to take the required action.

(i) If the household takes the required action within 60 days following the date of application, the case shall be reopened without requiring a new application. If the household is found eligible during the second 30-day period, benefits shall be provided only from the month following the month of application. The household is not entitled to benefits for the month of application when the delay was the fault of the household.

(ii) If the household is at fault for not completing the application process within 60 days following the date of initial application, ISD shall deny the application and require the household to file a new application if it wishes to participate.

(b) ISD caused:

(i) Whenever a delay in the initial 30-day period is the fault of ISD, immediate corrective action shall be taken. If the household is found to be eligible during the second 30-day period, the household shall be entitled to benefits retroactive to the date of application. If, however, the household is found to be ineligible, ISD shall deny the application.

(ii) If ISD is at fault for not completing the application process by the end of the second 30-day period, and the case is otherwise complete, ISD shall continue to process the original application until an eligibility determination is reached.

(iii) If ISD is at fault for not completing the application process by the end of the second 30-day period, but the case is not complete enough to reach an eligibility determination, ISD may continue to process the original application. If ISD was also at fault for the delay in the initial 30 days, the amount of benefits lost would be calculated from the month following the month of application.

~~**(7) Reconsidering denials for refusal to provide verification or to complete application process:** If an applicant/recipient has been denied benefits for refusal to provide needed verification or to complete the application process, but takes the required action within 30 days after the date of denial, ISD shall then make a needs-based decision.]~~

B. Medical assistance: ~~[The application disposition deadline for medical assistance programs is 45 days from the date of application. Medicaid eligibility must be determined within 90 days for applicants who apply based on age, blind or disability status.] As per 42 CFR 435.912 (c)(3), the determination of eligibility for any medicaid applicant may not exceed:~~

~~(1) 90 days for applicants who apply for medicaid on the basis of disability; and~~

~~(2) 45 days for all other medicaid applicants.~~

C. The 45-day processing timeframe is the following:

(1) Day 1: The date of application is the first day.

(2) No later than day 44 by the preceding work day if day 44 falls on a weekend or holiday:

(a) if verification provided establishes eligibility or ineligibility; or

(b) if the day following day 44 is not a work day, then decision must be made

earlier than day 44 to allow for mailing on or before the deadline.

(3) No later than day 45 by the next work day if day 45 falls on a weekend or holiday, if needed verification is not provided until day 42 - 44.

(4) Day 45 by the next work day if day 45 falls on a weekend or holiday, if needed verification is provided on day 45, or is not provided.

(5) After day 45:

(a) When an applicant/recipient requests one or more 10-day extensions of time to provide needed verification. An applicant/recipient is entitled to receive up to three 10-day extensions of time upon request. ~~[Any individual missing necessary verification of citizenship, national status or eligible immigration status is allowed a reasonable opportunity period in accordance with 8.200.410.11 NMAC.]~~

(b) The eligibility decision must be made as soon as possible and within three work days of receipt of all necessary verification.

(c) HSD provides a reasonable opportunity period to individuals who have made a declaration of citizenship or satisfactory immigration status in accordance with 8.200.410.13 NMAC.

D. The 90-day processing timeframe is the following: An application for medicaid shall be processed no later than 90 days from the date the application is filed.

(1) No later than day 89: by the previous work day if day 89 falls on a weekend or holiday:
(a) if verification provided establishes eligibility or ineligibility; or
(b) if day following day 89 is not a work day, then decision must be made earlier than day 89 to allow for mailing on or before deadline.

(2) No later than day 90 by the next work day if day 90 falls on a weekend or holiday, if needed verification is not provided until day 87 - 89.

(3) Day 90 by the next work day if day 90 falls on a weekend or holiday, if needed verification is provided on day 90, or is not provided. The eligibility decision must be made as soon as possible and within three-work days of receipt of all necessary verification.

~~[C.]~~ E. General assistance: An application for general assistance shall be processed no later than 90 days from the date the application is filed.

(1) No later than day 89: by the previous work day if day 89 falls on a weekend or holiday:
(a) if verification provided establishes eligibility or ineligibility; or
(b) if day following day 89 is not a work day, then decision must be made earlier than day 89 to allow for mailing on or before deadline.

(2) No later than day 90 by the next work day if day 90 falls on a weekend or holiday, if needed verification is not provided until day 87 - 89. The only exceptions are days with system maintenance activities and network outage or down time.

(3) Day 90 by the next work day if day 90 falls on a weekend or holiday, if needed verification is provided on day 90[, or is not provided]. The eligibility decision must be made as soon as possible and within three-work days of receipt of all necessary verification.

(4) ~~After day 90:~~
(a) ~~When an applicant/recipient requests one or more 10-day extensions of time to provide needed verification. An applicant/recipient is entitled to receive up to three 10-day extensions of time upon request.~~

(b) ~~The eligibility decision must be made as soon as possible and within three-work days of receipt of all necessary verification.] If needed verification is not provided, case must be processed on day 90.~~

(5) Reconsideration: ~~[Disability may be re-evaluated based on additional medical evidence provided by the client during the reconsideration period, which shall not exceed 120 days from the date of receipt of the initial application.] A reconsideration of a disability determination may be requested, verbally or in writing, by a client within 15 days of the date of the denial for not meeting conditions of disability. The reconsideration period shall not exceed 30 days from the date of denial. Disability will be evaluated based on additional medical evidence provided by the client during the reconsideration period. Should no request be made or the client does not provide additional medical evidence during the reconsideration period the denial shall remain and the client may reapply.~~

(6) Tracking the application processing time limit: The application processing time limit begins on the day after the signed application is received in the ISD county office.

(7) Delayed determination: If an eligibility determination is not made within the required application processing time limit, the applicant/recipient shall be notified in writing of the reason for the delay and that the applicant/recipient has the right to request a fair hearing regarding ISD's failure to act within the time limits. Where applicable, NMAC subsections for specific programs detail how delays will be notified.

~~(8) Extensions of time: Up to three, 10-calendar day extensions for providing verification shall be granted at the applicant/recipient's request. The extension begins at the end of the application processing time period or at the end of the previous extension.]~~

[8.100.130.11 NMAC - Rp, 8.100.130.11 NMAC, 08/01/2008; A, 12/01/2009; A, 03/01/2017; A, 11/01/2018]

8.100.130.12 QUESTIONABLE INFORMATION/VERIFICATION:

A. To be considered questionable, incomplete or inadequate, the information or verification must be documented as one of the following:

- (1) inconsistent with statements made by the applicant/recipient;
- (2) inconsistent with other information on the application or previous applications;
- (3) inconsistent with credible information received by ISD;
- (4) questionable on its face.

B. Resolving questionable information: Upon receiving questionable, incomplete or inadequate

verification needed to determine an applicant/recipient's eligibility or benefit amount, ISD shall promptly provide the applicant/recipient a notice which shall include the following:

- (1) advise the applicant/recipient of the receipt of the information;
 - (2) why it is questionable, incomplete or inadequate;
 - (3) the additional information that must be provided;
 - (4) the alternative methods of providing the information,
 - (5) the deadline for supplying the information (10 working days or the end of the applicable application processing time period, whichever is later);
 - ~~_____ (6) that the applicant/recipient will be allowed an extension of time to supply the information if requested;~~
 - ~~_____ (7) that the applicant/recipient should contact ISD if an extension is desired;~~
 - ~~[(8)] (6)~~ that the applicant/recipient may discuss with ISD whether any other readily available verification is acceptable;
 - ~~[(9)] (7)~~ that ISD is available to assist the applicant/recipient if the information is not readily available; and
 - ~~[(10)] (8)~~ that a failure to supply the needed information or contact ISD by the deadline may result in a delay, a denial of eligibility, ~~[or] a reduction in the amount of benefits or termination of benefits.~~
- [8.100.130.12 NMAC - Rp, 8.100.130.12 NMAC, 08/01/2008; A, 03/01/2017; A, 11/01/2018]

8.100.130.13 NON-FINANCIAL VERIFICATION STANDARDS - IDENTITY:

A. SNAP and cash assistance programs: Verification of identity for the applicant is mandatory at application for the SNAP and cash assistance programs. Documents that can be used to verify identity for the SNAP and cash assistance programs include, but are not limited to:

- (1) photo ID; including driver's license;
- (2) birth certificate;
- (3) school record;
- (4) church record;
- (5) hospital or insurance card;
- (6) letter from community resources;
- (7) voter registration card;
- (8) work ID;
- (9) ID for another assistance or social service program;
- (10) wage stubs;
- (11) additional items as listed in ISD 135, "proof checklist"; or
- (12) if documentary evidence is not readily available, use other acceptable methods of verification as in 8.100.130.9 NMAC.

B. Medical assistance programs: Verification of citizenship and identity for the applicant/recipient is mandatory at initial application ~~[and recertification on or after July 1, 2006. The applicant/recipient is required to submit an original or a copy certified by the issuing agency].~~ Acceptable documentary evidence of citizenship and identity is found at 8.200.410.12 NMAC in accordance with 42 CFR 435.407.

~~_____ (1) Exemptions: The following individuals are exempt from providing documentation of citizenship and identity:~~

~~_____ (a) individuals receiving supplemental security income benefits under Title XVI of the Social Security Act;~~

~~_____ (b) individuals entitled to or enrolled in any part of medicare;~~

~~_____ (c) individuals receiving social security disability insurance benefits under Section 223 of the Social Security Act or monthly benefits under Section 202 of the act, based on the individual's disability, as defined in Section 223(d) of the act;~~

~~_____ (d) individuals who are in foster care and who are assisted under Title IV-B of the Social Security Act; or~~

~~_____ (e) individuals who are recipients of foster care maintenance or adoption assistance payment under Title IV-E of the act.~~

~~_____ (2) Documents that verify both citizenship and identity:~~

~~_____ (a) U.S. passport (active or expired);~~

~~_____ (b) certificate of U.S. citizenship (DHS form N-560 or N-561); or~~

~~_____ (c) certificate of naturalization (DHS form N-550 or N-570).~~

~~(3) Documents to verify identity. The following documents may be accepted as proof of identity and must accompany a document establishing citizenship from the second, third or fourth level documents. See Paragraphs (1) (2) and (3) of Subsection B of 8.100.130.16 NMAC:~~

- ~~(a) a current state driver's license from a state or territory with the individual's picture or other identifying information such as name, age, sex, race, height, weight, or eye color;~~
- ~~(b) school identification card with a picture of the individual;~~
- ~~(c) U.S. military card or draft record;~~
- ~~(d) identification card issued by the federal, state or local government with the same information included on the driver's license;~~
- ~~(e) military dependent's identification card;~~
- ~~(f) certificate of degree of Indian blood, or other American Indian/Alaska native tribal document with a picture or other personal identifying information, such as age, weight, height, race, sex, and eye color;~~
- ~~(g) Native American tribal document with a picture or other personal identifying information, such as age, weight, height, race, sex and eye color;~~
- ~~(h) U.S. coast guard merchant mariner card;~~
- ~~(i) a cross match with federal or state governmental, public assistance, law enforcement or corrections agency's data systems, if the agency establishes and certifies the true identity of the individual;~~
- ~~(j) three or more corroborating documents, such as marriage licenses, divorce decrees, high school diplomas, and employer identification cards may be used to verify the identity of an individual when used in conjunction with level two or three citizen documentation listed at 8.100.130.16 NMAC; these documents must contain the applicant/recipient's name and additional information to establish identity; all documents must contain consistent identifying information.~~

~~(4) Special rules for verifying proof of identity for children 16 or younger:~~

- ~~(a) school records verified from the school, including report card, daycare or nursery school record;~~
- ~~(b) clinic, doctor or hospital record;~~
- ~~(c) an affidavit signed under penalty of perjury by a parent, guardian or relative caretaker stating the date and place of birth of the child;~~
- ~~(i) An affidavit can only be used if one of the preceding documents is not available.~~
- ~~(ii) An affidavit cannot be used if an affidavit for citizenship was used.~~

~~(5) An identity affidavit signed under penalty of perjury by a residential facility director or administrator on behalf of the institutionalized applicant/recipient.]~~

~~[8.100.130.13 NMAC - Rn, 8.100.130.13 NMAC, 08/01/2008; A, 03/01/2017; A, 11/01/2018]~~

8.100.130.16 NON-FINANCIAL VERIFICATION STANDARD-CITIZENSHIP AND ELIGIBLE [ALIEN] NON-CITIZEN STATUS: This section details the specific types of information and documents to be used in establishing the citizenship and [alien] non-citizen status for individuals who are applying for food assistance, cash assistance and medical assistance programs for themselves.

A. Citizenship for SNAP and cash assistance: Citizenship for SNAP and cash assistance programs will be verified only when questionable (as defined by section 8.100.130.12 NMAC). Information and documents that can be used to verify citizenship include:

- (1) social security number;
- (2) birth certificate;
- (3) naturalization papers from the department of homeland security United States citizenship and immigration services (DHS) such as DHS Forms I-179 or I-197;
- (4) U.S. passport;
- (5) military service papers;
- (6) hospital record of birth;
- (7) baptismal record, when place of birth is shown;
- (8) Indian census records;
- (9) DHS 400 for alien children who can derive citizenship through citizen father or mother;
- (10) additional items as listed on ISD 135, "proof checklist";

(11) any document listed in Subsection B of this section; or

(12) if electronic verification is not available, and documentary evidence is not

readily available, use other acceptable methods of verification as described in 8.100.130.9 NMAC.

B. Medical assistance programs: After July 1, 2006, an individual seeking medical assistance benefits for themselves must provide the income support division with a declaration signed under penalty of perjury that the applicant is a citizen, or a national of the United States, or is in an eligible immigration status. Applicants must present information allowing for verification of attested status. An alien applicant who declares to be in an eligible immigration status is required to present immigration status information that can be used to verify attested status (such as an "A-number" or an "I-94 number"). Verification of citizenship for the applicant/recipient is mandatory at initial application [and recertification on or after July 1, 2006. If a document is necessary, the applicant/recipient is required to submit original or a copy certified by the issuing agency]. Acceptable documentary evidence of citizenship and identity is found at 8.200.410.12 NMAC in accordance with 42 CFR 435.407.

~~(1) First level documents that verify both citizenship and identity:~~

~~(a) U.S. passport (active or expired);~~

~~(b) certificate of U.S. citizenship (DHS form N-560 or N-561); or~~

~~(c) certificate of naturalization (DHS form N-550 or N-570).~~

~~(2) Second level information documents: Second level should only be used when first level is unavailable. The following are second level information/documents of citizenship:~~

~~(a) U.S. public birth certificate showing birth in one of the 50 states, the District of Columbia, Puerto Rico (if born on or after 1941, Guam (if born on or after April 10, 1899), the Virgin Islands of the U.S. (if born on or after January 17, 1917), American Samoa, Swain's Island or the Northern Mariana Islands (if born on or after November 4, 1986 NMI local time);~~

~~(i) data matches with a state vital statistics agency may be used in place of a birth certificate;~~

~~(ii) the birth record may be issued by the state, commonwealth, territory or local jurisdiction and it must have been recorded before the person was five years of age; a birth record that is recorded at or after the person is five years of age is considered fourth level evidence of citizenship;~~

~~(b) a certification of report of birth (SD-1350) issued by the department of state to U.S. citizens who were born outside the U.S. and acquired U.S. citizenship at birth;~~

~~(c) a report of birth abroad of a U.S. citizen (FS-240);~~

~~(d) a certification of birth issued by the department of state (FS-545); in 1990, the FS-545 was replaced by the SD-1350;~~

~~(e) a U.S. citizen I.D. card (DHS Form I-179 and I-197);~~

~~(f) a Northern Mariana identification card (I-873) issued by DHS to a collectively naturalized citizen of the U. S. who was born in the Northern Mariana Islands before November 4, 1986;~~

~~(g) an American Indian card (I-872) issued by the DHS with the classification code "KIC," to identify U.S. citizen members of the Texas band of Kickapoos living near the U.S./Mexican border;~~

~~(h) final adoption decree with the child's name and U.S. place of birth;~~

~~(i) evidence of civil service employment by the U.S. government before June 1, 1976;~~

~~(j) U.S. military record of service showing a U.S. place of birth;~~

~~(k) a data verification with the SAVE program for naturalized citizens if conducted consistent with a memorandum of understanding with DHS; or~~

~~(l) adopted or biological children born outside of the U.S. may establish citizenship obtained automatically under section 320 of the Immigration and Nationality Act (8 U.S.C 1431) as amended by the Child Citizenship Act of 2000; documentary evidence shall be obtained confirming on or after February 27, 2001, the following conditions were met:~~

~~(i) at least one parent of the child is a U.S. citizen by birth or naturalization;~~

~~(ii) the child is under the age of 18;~~

~~(iii) the child is residing in the U.S. in the legal and physical custody of the U.S. citizen parent;~~

~~(iv) the child was admitted to the U.S. for lawful permanent residence pursuant to 8 U.S.C. 1641; and~~

~~(v) if adopted, the child satisfies the requirements of section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1)) pertaining to international adoptions.~~

~~(3) Third level documents: These documents should only be used when first and second levels are unavailable; the following documents are third level documents of citizenship:~~

~~(a) Extract of a hospital record on hospital letterhead established at the time of the person's birth that was created five years before the initial application date and shows a U.S. place of birth. For children under the age of 16, the document must have been created near the time of birth or five years before the date of application.~~

~~(b) Life, health or other insurance record showing a U.S. place of birth and was created at least five years before the initial application date. For children under the age of 16, the document must have been created near the time of birth or five years before the date of application.~~

~~(c) An official religious record recorded with the religious organization in the U.S. within three months of birth showing the birth occurred in the U.S. and showing the date of birth or the individual's age at the time the record was made; if the place of birth is questionable, verification must be obtained that the mother was in the U.S. at the time of birth.~~

~~(d) Early school record showing a U.S. place of birth, date of birth, the name of the child, the date of admission to the school and the name and place of birth of the applicant/recipient's parents.~~

~~(4) Fourth level documents: These documents should only be used when first, second and third level documents are not available. With the exception of the affidavit process described in this section, the applicant/recipient may only use fourth level of evidence of citizenship if alleging a U.S. place of birth. The following documents are fourth level documents of citizenship:~~

~~(a) federal or state census record showing U.S. citizenship or a U.S. place of birth and the applicant/recipient's age; or~~

~~(b) one of the following documents that shows a U.S. place of birth and that was created at least five years before the application for medicaid; for children under the age of 16, the document must have been created near the time of birth or five years before the date of application. These documents are:~~

~~(i) Seneca Indian tribal census record;~~

~~(ii) bureau of Indian affairs tribal census records of the Navajo Indians;~~

~~(iii) U.S. state vital statistics official notification of birth registration;~~

~~(iv) a delayed U.S. public birth record that is recorded more than five years after the person's birth;~~

~~(v) a statement signed by a physician or midwife who was in attendance at the time of birth.~~

~~(vi) the roll of Alaska natives maintained by the bureau of Indian affairs.~~

~~(c) institutional admission papers from a nursing facility, skilled care facility or other institution created at least five years before the initial application date that indicates a U.S. place of birth.~~

~~(d) medical (clinic, doctor, or hospital) record created at least five years before the initial application date that indicates U.S. place of birth; for children under the age of 16, the document must have been created near the time of birth or five years before the date of application; an immunization record is not considered a medical record for purposes of establishing citizenship.~~

~~(e) written affidavits should only be used in rare circumstances and must contain the following information:~~

~~(i) the applicant/recipient must provide at least two affidavits by two individuals who have personal knowledge of the event(s) establishing the applicant/recipient's claim of citizenship;~~

~~(ii) at least one of the individuals making the affidavit cannot be related to the applicant/recipient and neither can be the applicant/recipient;~~

~~(iii) individuals making the affidavit must prove their own citizenship and identity; and~~

~~(iv) if available, the affidavit should contain why documentary evidence establishing the applicant/recipient's claim of citizenship does not exist or cannot be readily obtained;~~

~~(v) the applicant/recipient or other knowledgeable individual (guardian or representative) must submit a separate affidavit explaining why the evidence does not exist or cannot be obtained; or~~

~~(vi) the affidavits must be signed under penalty of perjury and need not be notarized.]~~

C. [Alien] Non-citizen status: [An alien] A non-citizen must have information allowing attested status to be verified.

D. **Systematic alien verification for entitlement (SAVE)**

(1) All applicants who attest to eligible immigration status will be subject to verification

through the United States department of homeland security's (USDHS) database (SAVE) system.

(2) Conflicting information regarding the alien status provided by the applicant/recipient will require additional verification by the USDHS.

[8.100.130.16 - Rp, 8.100.130.13 NMAC, 08/01/2008; A, 03/01/2017; A, 11/01/2018]

8.100.130.22 NON-FINANCIAL VERIFICATION STANDARDS -OTHER:

A. **Fraud conviction for dual state receipt of benefits:** The existence of a fraud conviction for simultaneous receipt of benefits from two states is determined based upon client statement on the application form. If ISD receives other information indicating the existence of a dual state benefit fraud conviction, ISD shall verify it by contacting the appropriate authorities.

B. ~~[Fleeing felon and probation or parole violator: Whether an individual is a fleeing felon or a probation or parole violator is determined based upon a client statement on the application form. If ISD receives other information indicating that the individual is a fleeing felon, ISD shall verify it by contacting appropriate authorities. ISD need not notify the individual of the report, nor request his or her permission to verify the information with appropriate law enforcement agencies.]~~ **Fleeing felon, probation or parole violator:**

(1) Fleeing Felon: An individual determined to be a fleeing felon shall be an ineligible household member. To establish an individual as a fleeing felon ISD must verify that an individual is a fleeing felon. A federal, state, or local law enforcement officer acting in his or her official capacity must present an outstanding felony arrest warrant that conforms to one of the following national crime information center uniform offense classification codes, to the department to obtain information on the location of and other information about the individual named in the warrant:

(a) escape (4901); or

(b) flight to avoid prosecution, confinement, etc (4902); or

(c) flight-escape (4999)

(2) Probation or parole violator: An individual determined a parole or probation violator shall not be considered to be an eligible household member. To be considered a probation or parole violator, an impartial party, as designated by ISD, must determine that the individual violated a condition of his or her probation or parole imposed under federal or state law and that federal, state, or local law enforcement authorities are actively seeking the individual to enforce the conditions of the probation or parole. Actively seeking is defined as:

(a) a federal, state, or local law enforcement agency informs ISD that it intends to enforce an outstanding felony warrant or to arrest an individual for a probation or parole violation within 20 days of submitting a request for information about the individual to ISD; or

(b) a federal, state, or local law enforcement agency presents a felony arrest warrant as provided in Subsection B Item 1 of this section; or

(c) a federal, state, or local law enforcement agency states that it intends to enforce an outstanding felony warrant or to arrest an individual for a probation or parole violation within 30 days of the date of a request from ISD about a specific outstanding felony warrant or probation or parole violation.

(3) Response time: ISD shall give the law enforcement agency 20 days to respond to a request for information about the conditions of a felony warrant or a probation or parole violation, and whether the law enforcement agency intends to actively pursue the individual. If the law enforcement agency does not indicate that it intends to enforce the felony warrant or arrest the individual for the probation or parole violation within 30 days of the date of ISD's request for information about the warrant, ISD shall determine that the individual is not a fleeing felon or a probation or parole violator and document the household's case file accordingly. If the law enforcement agency indicates that it does intend to enforce the felony warrant or arrest the individual for the probation or parole violation within 30 days of the date of ISD's request for information, ISD will postpone taking any action on the case until the 30-day period has expired. Once the 30-day period has expired, ISD shall verify with the law enforcement agency whether it has attempted to execute the felony warrant or arrest the probation or parole violator. If it has, ISD shall take appropriate action to deny an applicant or terminate a participant who has been determined to be a fleeing felon or a probation or parole violator. If the law enforcement agency has not taken any action within 30 days, ISD shall not consider the individual a fleeing felon or probation or parole violator, shall document the case file accordingly, and take no further action.

(4) Application processing: ISD shall continue to process the application while awaiting verification of fleeing felon or probation or parole violator status. If ISD is required to act on the case without being able to determine fleeing felon or probation or parole violator status in order to meet the time standards in 7 CFR 273.2(g) or 273.2(i)(3), ISD shall process the application without consideration of the individual's fleeing felon or probation or parole violator status.

[8.100.130.22 - Rp, 8.100.130.13 NMAC, 08/01/2008; A, 03/01/2017; A, 11/01/2018]

This is an amendment to 8.139.110, Sections 13, 14, 15 and 16, effective 11/01/2018

8.139.110.13 TIME LIMITS:

A. Opportunity to participate: ~~["Opportunity to participate" means having benefits authorized on or before the 27th day after the application is filed, so that the household will have benefits available by the 30th day after the application was filed.]~~ ISD shall provide eligible households that complete the initial application process an opportunity to participate as soon as possible, but no later than 30 calendar days following the date the application was filed, except for residents of public institutions who apply jointly for SSI and SNAP benefits prior to release from the institution in accordance with Subsection C, Item 2 of 8.139.110.9 NMAC. Residents of institutions who apply for SNAP benefits prior to their release from the institution will be provided the opportunity to participate as soon as possible but no later than 30 calendar days from the date of the applicant's release from the institution.

B. Move during eligibility determination: When an office that is processing an application for assistance learns that the applicant has moved to another county, that office will immediately transfer the case in pending status. The application will be processed by the new office using the original registration date from the first office.

C. Withdrawing the application: An applicant may voluntarily withdraw [his/her] their application at any time prior to the determination of eligibility. A notice will be sent advising the household of the action taken. An applicant will be advised that withdrawal of his/her application has no effect on his/her right to apply for assistance in the future. The agency will document the reason for withdrawal, if any was given.

D. Delayed eligibility determinations:

(1) Establishing cause for delay: When an application for SNAP is not processed by the end of the 30 day time limit, a determination as to whether the delay is the fault of the applicant or ~~[HSD]~~ ISD will be made.

(2) Applicant delays: A delay is the fault of the applicant if ~~[he/she has]~~ they have failed to complete the application process. ISD will send the household a delay notice on the 30th day in accordance with 7 CFR 273.2(h), after the application is filed when the interview has not been held by the 30th day and the appointment has been rescheduled beyond the 30th day~~[-and when the applicant has requested an extension of time to provide information]~~. The notice will inform the applicant that all changes in circumstances since the application was filed must be reported. ISD must have taken the following actions, as appropriate, before the delay can be considered the fault of the household:

(a) For applicants who have failed to complete the application form, ISD must have offered, or attempted to offer, assistance in its completion.

(b) For applicants who have failed to provide complete verification, ISD must have provided the household with a statement of required verification, offered assistance as required, and allowed the household sufficient time to provide the missing verification. Sufficient time is at least 10 days from the date of ISD's initial request for the particular verification that is missing.

(c) ~~[For applicants who have failed to appear for the initial interview and request another, ISD must have attempted to reschedule the interview, if feasible, within 30 days following the date of application. If the applicant has failed to appear for the first interview and a subsequent interview is postponed at the applicant's request or cannot otherwise be rescheduled until after the 20th day but before the 30th day following the date of application, the applicant must appear for the interview, bring verification, and register household members for work by the 30th day. Otherwise, the delay is the fault of the applicant.]~~ For applicants who have failed to appear for an interview ISD must notify the applicant that it missed the scheduled interview and that the applicant is responsible for rescheduling a missed interview. If the applicant contacts ISD by the 30th day following the date of application, ISD must schedule a second interview. If the applicant fails to schedule a second interview or the subsequent interview is postponed at the applicant's request or cannot otherwise be rescheduled until after the 20th day but before the 30th day following the date the application was filed, the applicant must appear for the interview, bring verification, and register household members for work by the 30th day following date of application. Otherwise, the delay is the fault of the applicant.

(d) ~~[If the applicant has failed to appear for the first interview and a subsequent interview is postponed at the applicant's request until after the 30th day following the date of application, the delay is the fault of the applicant. If the applicant misses both scheduled interviews and requests another interview, any further delay is the fault of the applicant.]~~ If the applicant has failed to appear for the first interview, fails to schedule a second interview, or the subsequent interview is postponed at the applicant's request until after the 30th day

following the date the application is filed, the delay shall be the fault of the applicant. If the applicant has missed both scheduled interviews and requests another interview, any delay shall be the fault of the applicant.

(e) If one or more members of the household have failed to register for work in accordance with 7 CFR 273.7, ISD must have informed the household of the need to register for work, determined if the household members are exempt from work registration, and given the household at least 10 days from the date of notification to register these members.

(3) Denial of the household application: [If the delay is the fault of the applicant and eligibility cannot be determined, the applicant will be sent a denial notice on the 30th day after the application was filed, or on the following work day if the 30th day is on a weekend or holiday, unless the household has requested an extension. If an action by the applicant is needed to complete the application process, the denial notice will explain what verification the applicant failed to provide, what must be done to complete the application process, a statement that ISD took necessary steps to assist that applicant, and that an additional 30 days is granted to take the actions required to complete the original application before a new application must be filed. The notice will also state that if the applicant is found eligible benefits will be provided in the month following the month of application.] Applicants that are found to be ineligible shall be sent a denial notice as soon as possible but not later than 30 days following the date the application was filed. If the applicant has failed to appear for a scheduled interview and has made no subsequent contact with ISD, ISD shall send a denial notice on the 30th day following the date of application. The applicant must file a new application if they wish to participate in the program. In cases where ISD was able to conduct an interview and request all the necessary verification on the same day the application was filed, and no subsequent requests for verification were made, ISD may also deny the application on the 30th day, if ISD provided assistance to the applicant in obtaining verification, but the applicant failed to provide the requested verification.
[(4) Benefits provided: If the applicant was at fault for the delay during the first 30-day period but is found eligible during the second 30-day period, must ensure that benefits are provided only from the date that the applicant took the required action. The household is not entitled to benefits retroactive to the original date of application.]

(5) (4) [HSD] ISD delays: Delays that are the fault of [HSD] ISD include, but are not limited to, cases where ISD fails to provide the required assistance, fails to observe time limits, fails to schedule timely interviews, or fails to provide other proper procedural help to the applicant. [HSD] ISD is at fault when the applicant has met his obligations in a timely manner, but ISD fails to complete the application process in a timely manner.

(a) Action on [HSD] ISD delays: If the delay in the initial 30-day period is caused by ISD, ISD will take immediate corrective action and the application will not be denied. The applicant will be notified that the application is pending and informed of any action to take to complete the application process, including reporting any changed circumstances since the application was filed. ISD will send the applicant a notice of delay in accordance with 7 CFR 273.2(h).

(b) Retroactive benefit rights: [If the applicant's eligibility is determined] If the applicant is found to be eligible during the second 30-day period, the household is entitled to benefits retroactive to the date of application.

(c) Denial of an application: If the household is determined ineligible, the application will be denied and a notice sent no later than the 60th day after the application was filed, or the following work day if the 60th day falls on a weekend or holiday.

(5) ISD action on applicant delays:

(a) If by the 30th day ISD cannot take any further action on the application due to the fault of the applicant, the applicant shall lose its entitlement to benefits for the month of application and a denial notice will be sent.

(b) ISD shall give the applicant an additional 30 days to take the required action. If the applicant takes the required action within 60 days following the date the application was filed, ISD shall reopen the case without requiring a new application.

(c) If the applicant fails to provide requested verification by the 60th day, no further action is required by ISD.

(d) If the applicant was at fault for the delay in the first 30 day period, but is found to be eligible during the second 30 day period, benefits shall be provided only from the month following the month of application.

(6) Delays beyond 60 days:

(a) [HSD delays:] ISD delays:

(i) If ~~[HSD]~~ ISD is at fault for not completing the application process by the end of the second 30-day period, and the record is otherwise complete, the application process will be continued until an eligibility determination is accomplished.

(ii) If the household is determined eligible, ~~and ISD was at fault for the delay in the initial 30 days, the household shall receive SNAP benefits [it is entitled to benefits]~~ retroactive to the date of original application, but only for those months that it is determined eligible.

~~(iii) If ISD is at fault for not completing the application process by the end of the second 30-day period, but the case record is not complete enough to reach an eligibility determination, the application will be denied and the household advised to file a new application. The household shall be advised of possible entitlement to lost benefits caused by an ISD delay.~~

~~(iv) If ISD was at fault for the delay in the initial 30-day period, the amount of lost benefits will be calculated from the date of application.~~

(b) Household delays:

(i) If the household is at fault for not completing the application process by the end of the second 30-day period, the application will be denied and the household will be required to file a new application, if it still wishes to participate in the program. The household shall not be entitled to any lost benefits even if the delay in the initial 30 days was the fault of ISD.

(ii) If the initial delay was the household's fault, the household will receive SNAP benefits retroactive only to the month following the month of application. ~~[The household is not entitled to any lost benefits, even if HSD caused the delay in the initial 30-day period.]~~

~~(e) Incomplete information:~~

~~(i) If HSD is at fault for not completing the application process by the end of the second 30-day period, but the case record is not complete enough to reach an eligibility determination, the application will be denied and the household advised to file a new application. The household will also be informed that it may be entitled to lost benefits caused by an HSD delay.~~

~~(ii) If HSD was at fault for the delay in the initial 30-day period, the amount of lost benefits will be calculated from the date of application.]~~

[02/01/95, 06/01/95; 8.139.110.13 NMAC - Rn, 8 NMAC 3.FSP.115, 05/15/2001; A, 03/01/2017; A, 11/01/2018]

8.139.110.14 DISPOSITION OF APPLICATION/NOTICES:

A. **Approval of SNAP:** Notification of the final eligibility determination will be mailed via US postal service and or through approved electronic methods to the applicant in time to be received not later than the last day of the time limit that is, mailed by the 28th day after the date of application to be received by the 30th day.

B. **Contents of the notice:** The notice of approval provides the household with written notice, sent by mail or electronically, of the amount of the benefits and the beginning and ending dates of the certification period. If the initial benefit amount is prorated or contains benefit amounts for both the month of application and the current month, the notice will explain that the initial month's SNAP benefit amount differs from the benefit amount for the remainder of the certification period. The notice also states that if households that have applied jointly for financial assistance and SNAP begin to receive a financial assistance check, their SNAP benefit amount will be reduced or terminated without advance notice. The notice will contain a telephone number for the customer service call center which will accept calls throughout working hours.

C. **Denial of SNAP:** If the application is denied, a written or electronic notice will be sent to the applicant explaining the basis for the denial, the right to request a fair hearing, and the telephone number of the ISD office where the household can get information concerning an individual or organization that provides legal representation. Households determined to be ineligible will be sent a denial notice as soon as possible, but not later than 30 days following the date the application was filed~~[-unless an extension was requested]~~. The household must file a new application if it wishes to have eligibility re-determined, subsequent to the initial denial.

[02/01/95, 06/01/95; 8.139.110.14 NMAC - Rn, 8 NMAC 3.FSP.116, 05/15/2001; A, 07/15/2013; A, 03/01/2017; A, 11/01/2018]

8.139.110.15 DESIGNATING THE HEAD OF HOUSEHOLD: A household has the right to select its head of household at each certification action or whenever there is a change in household composition reported in accordance with change reporting requirements.

A. **No special requirements:** The head of household designation will not be used to impose special requirements on the household, such as requiring the head of household, rather than another responsible member, to appear at the certification office to apply for benefits.

B. Households with children:

- (1) When designating the head of household, the household is allowed to select:
- (a) an adult parent of children (of any age) living in the household; or
 - (b) an adult with parental control over children (under age 18) living in the household.
- (2) All the adult household members must agree to the selection.
- (3) A household with children which fails to select an adult parent of children (of any age) or an adult with parental control over children (under age 18) as the head of household loses the right to this designation option. In such a case, the household member with the most income will be the principal wage earner and will be treated as the head of household.
- (4) If all adult household members cannot agree to the selection of, or decline to select, an adult parent of children (of any age) or an adult with parental control over children (under age 18) as the head of household, [the-ISS] ISD will permit the household to make another selection, or [the-ISS] ISD will designate the head of household.
- (5) No person of any age living with a parent or person fulfilling the role of a parent who is:
- (a) registered for work; or
 - (b) exempt from work registration requirements because such parent or person fulfilling the role of a parent is subject to and participating in any work requirement under Title IV of the Social Security Act; or
 - (c) in receipt of unemployment compensation (or has registered for work as part of the application for or receipt of unemployment compensation); or
 - (d) is employed or self-employed and working a minimum of 30 hours weekly or receiving weekly earnings equal to the federal minimum wage multiplied by 30 hours; will be considered the head of household unless the person is an adult parent of children (of any age) and the household elects to designate the adult parent as its head of household.

C. Denial of benefits, delay of certification prohibited: In no event will a denial of benefits or delay of certification action result if an otherwise eligible household fails to select an adult parent of children (of any age) or an adult with parental control over children (under age 18) as its head of household.

D. Households with no adult parent or adult with parental control: If a household does not have an adult parent of children (of any age) or an adult with parental control over children (under age 18) living in the household, the household may designate another member as the head of household or [the-ISS] ISD will do so.

E. Designation of head of household by [the-ISS] ISD: [The-ISS] ISD can designate the head of household only if:

- (1) all the adult household members have not agreed to a selection; or
- (2) the household declines to select an adult parent or adult with parental control as the head of household and declines to make another selection.

[02/01/95, 06/01/95; 8.139.110.15 NMAC - Rn, 8 NMAC 3.FSP.118, 05/15/2001; A, 11/01/2018]

8.139.110.16 EXPEDITED SNAP SERVICE:

A. Identifying eligible households: Households meeting the federal requirements of income and resources may be entitled to receive SNAP benefits within seven days after an application is received by ISD, in accordance with 7 C.F.R 273.2(i). Applications will be screened to identify eligible households [~~within 24 hours in order to ensure that the seven-day limit is met~~] at the time the household requests assistance.

- (1) **Entitlement to expedited service:** The following households will be expedited, provided that they are otherwise SNAP eligible:
- (a) households with less than \$150 in gross monthly income, and with liquid resources (i.e., cash on hand, checking or savings accounts, savings certificates, lump sum payments, and the like) not exceeding \$100;
 - (b) households with combined gross monthly income and liquid resources less than the household's monthly rent, or mortgage, and utilities. The mandatory SUA may be used in making this determination, provided that the household qualifies for the SUA; or
 - (c) migrant or seasonal farm worker households with \$100 or less in liquid resources and determined to be destitute as defined by the special income calculations in 8.139.400.14 NMAC, migrant and seasonal farm workers.

(2) **Verification requirements:** All households entitled to expedited service must verify identity through readily available documentation or through a collateral contact. All other eligibility factors may be

postponed. Reasonable efforts must be made by ISD to verify residence, income, liquid resources, and all other eligibility factors. Benefits will not be delayed because of an inability to verify such factors or any questionable information but for identity.

(3) **SSNs and work registration:** Applicant households are specifically permitted to receive their first expedited SNAP benefit amount before providing social security numbers (SSN) or applying for them. Such households are required to do so before their next benefit issuance, but will remain eligible for participation as long as good cause exists. Unless exempt, the household's work registration status will be established at the time of certification for expedited service. If an individual's work registration exemption status is in question, benefits will not be delayed solely to verify the exemption.

B. Time limits:

(1) **Expedited time limits:** All households entitled to expedited service will receive their benefits no later than the seventh calendar day after the date the application is received by ISD.

(2) **Out-of-office interview:** If a household is entitled to expedited service and waiver of the office interview, the interview will be conducted and the eligibility determination completed within the expedited service time limits, unless the household cannot be reached. The first day of this count is the first calendar day after the application is filed. If a telephone interview is conducted and the application must be mailed to the household for signature, the mailing time involved will not be calculated in the expedited service time limits.

(3) **Late identification:** If screening fails to identify a household as being entitled to expedited service and it is subsequently determined that the household was so entitled, the household's application will be processed immediately; the time limits in such instances are calculated from the date that it is discovered that the household was entitled to expedited service.

(4) **Certification periods:** Households entitled to expedited service which provide all necessary verification prior to certification may be assigned a certification period in accordance with 8.139.120.9 [and 8.139.120.12] NMAC. Households whose verification requirements are outstanding due to an inability to verify via electronic means and the household not providing necessary documentation, will be certified for the month of application, and the following month, or for households whose circumstances warrant, an assigned certification period in accordance with 8.139.120.9 NMAC [and 8.139.120.12 NMAC]. When a certification period of more than one month is assigned, the written notification to the household will state that no further benefits will be issued until the verification requirement is completed. The notice also advises that if verification results in changes in eligibility or SNAP benefit amount, ISD will act on these changes without advance notice of adverse action.

(5) **Continuation of benefits:** Households providing verification by the 30th day after the application date will have their benefits continued. The second month's benefits will be issued within five working days from the date verification is received, or the first day of the second month, whichever is later.

(6) **Termination of benefits:** Except for migrant farm workers needing out-of-state verification, when the verification requirement is not completed within 30 days of the date of application, the household's participation in the program will be terminated and no further benefits issued.

(7) **Denial of expedited service:** Households determined ineligible for expedited service will have their applications processed according to normal standards. A household wishing to contest a denial of expedited service will be offered an agency conference to discuss the denial. The conference will be scheduled within two working days of the request for a conference, unless the household requests a later date or states that it no longer wishes to have an agency conference.

C. Number of expedited issuances:

(1) **Limits:** There is no limit to the number of times a household can be certified under expedited procedures, as long as prior to each expedited certification the household either has completed the verification requirements outstanding from the last expedited certification or has been certified under normal processing standards since the last expedited certification.

(2) **At every application:** Expedited services will be available at initial application based on the circumstances existing in the month of application. If a participating household applies for recertification before the end of its current certification period, the expedited service provision will not be applied.

[02/01/95, 06/01/95, 01/01/97, 07/01/98, 08/01/99; 8.139.110.16 NMAC - Rn, 8 NMAC 3.FSP.119, 05/15/2001; A, 07/15/2013; A, 03/01/2017; A, 11/01/2018]