



State of New Mexico
Human Services Department
Human Services Register



I. DEPARTMENT
HUMAN SERVICES DEPARTMENT

II. SUBJECT

8.200.400 NMAC-MEDICAID ELIGIBILITY-GENERAL RECIPIENT RULES
8.249.400 NMAC-REFUGEE MEDICAL ASSISTANCE (RMA) PROGRAM-RECIPIENT
REQUIREMENTS
8.249.600 NMAC-REFUGEE MEDICAL ASSISTANCE (RMA) PROGRAM-BENEFIT
DESCRIPTION

III. PROGRAM AFFECTED
(TITLE XIX) MEDICAID

IV. ACTION
PROPOSED RULE

V. BACKGROUND SUMMARY

The Human Services Department (the Department), through the Medical Assistance Division (MAD), is proposing to amend the New Mexico Administrative Code (NMAC) rule *8.200.400, Medicaid Eligibility-General Recipient Rules, 8.249.400, Refugee Medical Assistance (RMA) Program-Recipient Requirements, and 8.249.600, Refugee Medical Assistance (RMA) Program-Benefit Description.*

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: July 26, 2022

Hearing Date: August 26, 2022

Adoption Date: Proposed as January 1, 2023

Technical Citations: Office of Refugee Resettlement (ORR)-DCL 22-12 Expansion of RMA Eligibility Period

The Department is proposing to amend the rules as follows:

Background

The Federal Office of Refugee Resettlement (ORR) issued guidance that expands the Refugee Medical Assistance (RMA) eligibility period from eight months to 12 months for ORR-eligible populations whose date of eligibility for ORR benefits is on or after October 1, 2021. Historically the RMA eligibility period has been eight months since federal fiscal year 1992 due to insufficient appropriations.

Other minor changes were made to these rules to replace outdated terms and correct wording errors.

8.200.400 NMAC

Section 10 has been updated to change the RMA coverage period from eight to 12-months.

8.249.400 NMAC

Section 6 and 9 were updated to change the text from eight to 12-months.

8.249.600 NMAC

Sections 9, 11, 12, 14, and 15 were updated to change the text from eight to 12-months.

VI. RULE

These proposed rule changes will be contained in 8.200.400, 8.249.400 and 8.249.600 NMAC. This register and the proposed rule are available on the HSD website at: <https://www.hsd.state.nm.us/lookingforinformation/registers/> and <https://www.hsd.state.nm.us/public-information-and-communications/opportunity-for-public-comment/public-notices-proposed-waiver-changes-and-opportunities-to-comment/comment-period-open/>. If you do not have internet access, a copy of the proposed register and rule may be requested by contacting MAD at (505) 827-1337.

VII. EFFECTIVE DATE

The Department proposes to implement this rule effective January 1, 2023.

VIII. PUBLIC HEARING

A public hearing to receive testimony on these proposed rules will be held **via conference call on Friday, August 26, 2022, at 9 a.m. Mountain Time (MT). Conference phone number: 1-800-747-5150. Access Code: 2284263.**

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 the MAD in Santa Fe at (505) 827-1337. 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 by MAD upon request by providing copies directly to a requestor or by making them available on the MAD 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: Medical Assistance Division Public Comments
P.O. Box 2348
Santa Fe, New Mexico 87504-2348

Recorded comments may be left at (505) 827-1337. Interested persons may also address comments via electronic mail to: madrules@state.nm.us. Written mail, electronic mail and recorded comments must be received no later than 5 p.m. MT on August 26, 2022. 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/public-information-and-communications/opportunity-for-public-comment/public-notices-proposed-waiver-changes-and-opportunities-to-comment/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 these rules approved by:

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DAVID R. SCRASE, M.D., SECRETARY
HUMAN SERVICES DEPARTMENT