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State of New Mexico
Health Care Authority
Human Services Register

HEALTH CARE AUTHORITY

I. DEPARTMENT
NEW MEXICO HEALTH CARE AUTHORITY

II. SUBJECT
8.281.600 NMAC-MEDICAID ELIGIBILITY-BENEFIT DESCRIPTION
8.290.600 NMAC-MEDICAID ELIGIILITY-BENEFIT DESCRIPTION

III. PROGRAM AFFECTED
(TITLE XIX) MEDICAID

IV. ACTION
PROPOSED RULE

V. BACKGROUND SUMMARY

The New Mexico Health Care Authority (HCA), through the Medical Assistance Division (MAD), is proposing to amend the New Mexico Administrative Code (NMAC) rules *8.281.600, Medicaid Eligibility-Benefit Description and 8.290.600, Medicaid Eligibility-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: May 20, 2025
Hearing Date: June 23, 2025
Adoption Date: November 1, 2025
Technical Citations: 42 CFR 435.201 and 435.217

Background
The HCA is revising our Institutional Care and Home-and Community-Based Waiver services level of care (LOC) sections to remove outdated language and add clarifying language.

The Health Care Authority is proposing to amend the rules as follows:

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8.281.600 NMAC
Section 12 B is revised to add the term "designated third party assessor" who can make level of care (LOC) determinations. Language is also added that LOC determinations are completed annually, "for all institutional Medicaid programs."

Other minor language changes were made throughout this rule for NMAC consistency.

8.290.600 NMAC
Section 12 B is revised to add the term "designated third party assessor" who can make level of care (LOC) determinations. Language is also added that LOC determinations are completed annually, "for home and community-based waiver programs." Outdated text is removed from this section.

Other minor language changes were made throughout this rule for NMAC consistency.

VI. RULE

These proposed rule changes will be contained in 8.281.600 and 8.290.600 NMAC. This register and the proposed rules are available on the HCA website at: https://www.hca.nm.gov/lookingforinformation/registers/ and https://www.hca.nm.gov/comment-period-open-2025/. 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 Health Care Authority proposes implementing this rule effective November 1, 2025.

VIII. PUBLIC HEARING

A public hearing to receive testimony on these proposed rules will be held on June 23, 2025, at 9:30 a.m., Mountain Time (MT). The hearing will be held at the Administrative Services Division (ASD), 1474 Rodeo Rd, Santa Fe, NM 87505 and via Microsoft Teams.

Join Teams Meeting
Join the meeting now
Meeting ID: 254 306 040 43
Passcode: cd2J2LU9

Dial in by phone
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Find a local number
Phone conference ID: 762 698 817#

If you are a person with a disability and you require this information in an alternative format or require special accommodation to participate in the public hearing, please contact the MAD in Santa Fe at (505) 827-1337. The HCA requests at least ten (10) working days advance notice to provide requested alternative formats and special accommodations.

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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:

New Mexico Health Care Authority
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: HCA-madrules@hca.nm.gov. Written mail, electronic mail and recorded comments must be received **no later than 5 p.m. MT on June 23, 2025**. 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 HCA website at https://www.hca.nm.gov/lookingforinformation/registers/ and https://www.hca.nm.gov/comment-period-open-2025/ 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:

DocuSigned by:
Kari Armijo
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4/4/2025

KARI ARMIJO, SECRETARY
NEW MEXICO HEALTH CARE AUTHORITY