



State of New Mexico
Human Services Department
Human Services Register



I. DEPARTMENT

NEW MEXICO HUMAN SERVICES DEPARTMENT (HSD)
8.291.410 NMAC Affordable Care General Recipient Requirements
8.293.500 NMAC Pregnant Women Income and Resource Standards
8.295.400 NMAC Children Under 19 Recipient Requirements

III. PROGRAM AFFECTED
(TITLE XIX) MEDICAID

IV. ACTION
PROPOSED RULES

V. BACKGROUND SUMMARY

The Human Services Department (the Department), through the Medical Assistance Division (MAD), is proposing to amend New Mexico Administrative Code (NMAC) rules: 8.291.410, 8.293.500, and 8.295.400, specifically:

8.291.410 NMAC Section 18

Subsection C Paragraph (1) –

The Department is proposing to allow a 120 day administrative renewal period of a current eligible recipient's eligibility. Furthermore, the Department is clarifying an administrative renewal may be conducted at any time based on information known to the agency or reported by the recipient in accordance with 8.291.400.12 NMAC.

Subsection C Paragraph (2) –

The Department is proposing to change 'application' to 'recertification form' and identify the manner in which the Department conducts its administrative reviews.

Subsection C -Paragraph (4)–

The Department is proposing a 90 day reconsideration period for eligibility that is closed due to the recipients failure to complete the recertification requirements in accordance with 42 CFR 435.916(3)(iii) without requiring a new application. The Department may reconsider the closure if the recipient completes the recertification requirements.

8.293.500 NMAC Section (13) –

The proposed amendment will allow an income disregard for an applicant whose countable income is at or above the income standard for the Medical Assistance Program for pregnant women.

8.295.400 NMAC –

The proposed amendment is solely to insert standardized language to align with existing NMAC rules. The amendment does not alter the manner in which eligibility is determined.

VI. RULES

These proposed rules will be contained in the corresponding NMAC rules of: 8.291.410, 8.293.500, and 8.295.400. This register and the proposed amendments are available on the HSD website at: <http://www.hsd.state.nm.us/LookingForInformation/registers.aspx> or at <http://www.hsd.state.nm.us/public-notices-proposed-rule-and-waiver-changes-and-opportunities-to-comment.aspx>.

If you do not have internet access, a copy of the proposed rules may be requested by contacting MAD at 505-827-7743.

VII. EFFECTIVE DATE

The Department proposes to implement these rules effective May 1, 2015.

VIII. PUBLIC HEARING

A public hearing to receive testimony on this proposed rule will be held in Hearing Room One, Toney Anaya Building, 2550 Cerrillos Road, Santa Fe, New Mexico on April 14, 2015 at 10:30 a.m. Mountain Daylight Time (MDT).

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 MAD toll free at 1-888-997-2583 and ask for extension 7-3156. In Santa Fe call 827-3156. The Department's TDD system may be accessed toll-free at 1-800-659-8331 or in Santa Fe by calling 827-3184. 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. MDT on April 14, 2015. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing.

X. PUBLICATION

Publication of these rules approved by:

A handwritten signature in black ink, appearing to read "Brett Earnest", written over a horizontal line.

BRETT EARNEST, SECRETARY
HUMAN SERVICES DEPARTMENT