



HEALTH CARE
AUTHORITY

Michelle Lujan Grisham, Governor
Kari Armijo, Secretary
Dana Flannery, Medicaid Director

April 7, 2025

RE: Tribal Notification to Request Advice and Comments Letter 25-08: Proposed Amendments to 8.200.510, 8.200.520 and 8.291.430 NMAC

Dear Tribal Leadership, Indian Health Service, Tribal Health Providers, and Other Interested Parties:

Seeking advice and comments from New Mexico's Indian Nations, Tribes, Pueblos and their health care providers is an important component of the government-to-government relationship with the State of New Mexico. In accordance with the New Mexico Health Care Authority's (HCA's) Tribal Notification to Request Advice and Comments process, this letter is to inform you that HCA, through the Medical Assistance Division (MAD), is accepting written comments until **5:00 p.m., Mountain Time (MT) on May 8, 2025**, regarding proposed amendments to the following New Mexico Administrative Code (NMAC) rules: *8.200.510 NMAC, General Recipient Policies, Resource Standards, 8.200.520 NMAC, General Recipient Rules, Income Standards and 8.291.430 NMAC, Affordable Care, Financial Responsibility Requirements.*

The HCA is proposing the following amendments:

Notice Date: April 8, 2025

Hearing Date: May 8, 2025

Adoption Date: Proposed as August 1, 2025

Technical Citations: HHS 2025 Federal Poverty Guidelines and 2025 SSA COLA Fact Sheet

Background

The Department is amending these rules to implement the Department of Health and Human Services (HHS) updates to the Federal Poverty Level (FPL) income limits for Medicaid categories of eligibility to be effective April 1, 2025, as required by HHS. The Department is also implementing the annual cost of living allowance (COLA) increase that went into effect on January 1, 2025. The Department is re-promulgating these sections of the rules in full within six months of issuance of the emergency rule in accordance with the New Mexico State Rules Act.

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

8.200.510 NMAC

Section 11 has been amended to reflect current COLA for Community Spouse Resource Allowance.

Section 12 has been amended to reflect the current COLA for Post-Eligibility Calculation (Medical Care Credit).

Section 13 has been amended to reflect the current COLA for Average Monthly Cost of Nursing Facilities for Private Patients.

Section 15 has been amended to reflect the COLA for current Excess Home Equity Amount for Long-Term Care Services.

8.200.520 NMAC

Section 11 has been amended to reflect updated FPL limits.

Section 12 has been amended to reflect the COLA increase.

Section 13 has been amended to reflect the increase in the Federal Benefit Rate.

Section 15 has been amended to reflect the increase in SSI Living Arrangement Amounts.

Section 16 has been amended to reflect the increase in the monthly income standard for Institutional Care and Home and Community Based Waiver Services Categories.

Section 20 has been amended to reflect the increase in the Covered Quarter Income Standard.

8.291.430 NMAC

Section 10 has been amended to reflect 2025 FPL guidelines.

Estimated Total Financial Impact

The financial impact of the 2025 FPL and COLA changes may result in increased costs to the HCA as more individuals may become eligible due to the higher income standards

Tribal Impact

The impact of these rule changes to Native Americans is that implementation of the 2025 FPL and COLA changes may result in more Native Americans being eligible for Medicaid.

Tribal Advice and Comments

Tribes and tribal healthcare providers may view the proposed 8.200.510, 8.200.520 and 8.291.430 NMAC on the HCA webpage at: <https://www.hca.nm.gov/providers/written-tribal-consultations/>. *Notification letter 25-08.*

A written copy of these documents may be requested by contacting the HCA Medical Assistance Division (HCA/MAD) in Santa Fe at (505) 827-1337.

Important Dates

A public hearing to receive testimony on this proposed rule will be held on May 8, 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: 248 892 227 499

Passcode: ze9R6KK6

Dial in by phone

[+1 505-312-4308](tel:+15053124308),,947120903# United States, Albuquerque

[Find a local number](#)

Phone conference ID: 947 120 903#

Written advice and comments must be received no later than 5:00 p.m. MT on May 8, 2025.

Please send your advice, comments or questions to the MAD Native American Liaison, Theresa Belanger, at (505) 670-8067 or by email to theresa.belanger@hca.nm.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Dana Flannery', with a stylized flourish at the end.

Dana Flannery, Director
Medical Assistance Division