



State of New Mexico
Human Services Department
Human Services Register



I. DEPARTMENT

NEW MEXICO HUMAN SERVICES DEPARTMENT (HSD)

II. SUBJECT

IMPLEMENTATION OF THE 2017 AND 2018 SSI AND SPOUSAL
IMPOVERISHMENT STANDARDS

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 8.200.510 NMAC Medicaid Eligibility-General Recipient in order to implement the SSI and Spousal Impoverishment Standards updates for 2017 and 2018. The Department is re-promulgating this section of the rule in full within six months of issuance of the emergency rule in accordance with the New Mexico State Rules Act.

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: September 11, 2018

Hearing Date: October 12, 2018

Adoption Date: Proposed as December 11, 2018

Technical Citations: 42 CFR 435.725 subparts A-F, Federal SSI and Impoverishment Standards for 2017 and 2018; CMS Resource and Cost-Sharing Limits for Low-Income Subsidy(LIS)

Summary of Revisions:

8.200.510 NMAC

Section 11 is amended to reflect the Community Spouse Resource Allowance (CSRA) increases for January 1, 2017, and January 1, 2018.

Section 12 is amended to reflect the increased Personal Needs Allowance (PNA), for July 1, 2017, and July 1, 2018.

Section 12 is amended to reflect the increase in the minimum monthly maintenance needs allowance (MMMNA) for July 1, 2017, and July 1, 2018.

Section 12 is amended to reflect the increased shelter expenses of the community spouse minimum for July 1, 2017, and July 1, 2018.

Section 12 is amended to reflect shelter expenses of the community spouse maximum for July 1, 2017, January 1, 2018, and July 1, 2018.

Section 12 is amended to reflect the maximum total of the community spouse monthly income allowance for January 1, 2018.

Section 13 is amended to reflect the average monthly cost of nursing facilities in the transfer of asset provisions for January 1, 2018.

Section 14 is amended to reflect the resource amounts for supplemental Security Income (SSI) related to Medicare Savings programs (QMB, SLIM/QI1 and QD) amounts for January 1, 2017, and January 1, 2018.

Section 15 is amended to conform to the excess home equity amount for long-term care services for January 1, 2018.

VI. RULE

This proposed rule will be contained in 8.200.510 NMAC. This register and the proposed rule are available on the HSD website at:

<http://www.hsd.state.nm.us/LookingForInformation/registers.aspx> and

<http://www.hsd.state.nm.us/2017-comment-period-open.aspx>. If you do not have internet access, a copy of the proposed register and rule may be requested by contacting (505) 827-6252.

VII. EFFECTIVE DATE

The Department proposes to implement this rule effective December 11, 2018.

VIII. PUBLIC HEARING

A public hearing to receive testimony on this proposed rule will be held in Hearing Room 1, Toney Anaya Building, 2550 Cerrillos Road, Santa Fe, New Mexico, October 12, 2018, from 9 a.m. to 10 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 the MAD in Santa Fe at (505) 827-6252. 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, NM 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 October 12, 2018. 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 <http://www.hsd.state.nm.us/2017-comment-period-open.aspx> 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 this rule approved by:



BRENT EARNEST, SECRETARY
HUMAN SERVICES DEPARTMENT