

**TITLE 8 SOCIAL SERVICES**  
**CHAPTER 296 MEDICAID ELIGIBILITY - OTHER ADULTS**  
**PART 400 RECIPIENT REQUIREMENTS**

**8.296.400.1 ISSUING AGENCY:** New Mexico Human Services Department (HSD).  
[8.296.400.1 NMAC - Rp, 8.296.400.1 NMAC, 1/1/2019]

**8.296.400.2 SCOPE:** The rule applies to the general public.  
[8.296.400.2 NMAC - Rp, 8.296.400.2 NMAC, 1/1/2019]

**8.296.400.3 STATUTORY AUTHORITY:** The New Mexico medicaid program is administered pursuant to regulations promulgated by the federal department of health and human services under Title XIX of the Social Security Act as amended or by state statute. See Section 27-1-12 *et seq.*, NMSA 1978.  
[8.296.400.3 NMAC - Rp, 8.296.400.3 NMAC, 1/1/2019]

**8.296.400.4 DURATION:** Permanent.  
[8.296.400.4 NMAC - Rp, 8.296.400.4 NMAC, 1/1/2019]

**8.296.400.5 EFFECTIVE DATE:** January 1, 2019, or upon a later approval date by the federal centers for medicare and medicaid services (CMS), unless a later date is cited at the end of the section.  
[8.296.400.5 NMAC - Rp, 8.296.400.5 NMAC, 1/1/2019]

**8.296.400.6 OBJECTIVE:** The objective of this rule is to provide eligibility guidelines when determining eligibility for the medical assistance division (MAD) medicaid program and other health care programs it administers. Processes for establishing and maintaining this category of eligibility are found in the affordable care general provision chapter located at 8.291.400 NMAC through 8.291.430 NMAC.  
[8.296.400.6 NMAC - Rp, 8.296.400.6 NMAC, 1/1/2019]

**8.296.400.7 DEFINITIONS:** Refer to 8.291.400.7 NMAC.  
[8.296.400.7 NMAC - Rp, 8.296.400.7 NMAC, 1/1/2019]

**8.296.400.8 [RESERVED]**  
[8.296.400.8 NMAC - Rp, 8.296.400.8 NMAC, 1/1/2019]

**8.296.400.9 WHO CAN BE A RECIPIENT:** To be eligible, an individual must meet specific eligibility requirements:

- A.** is age 19 or older and under age 65;
- B.** is not pregnant;
- C.** are not entitled to or enrolled in part A or B medicare benefits;
- D.** meets ACA eligibility requirements pursuant to 8.291.400 through 8.291.430 NMAC; and
- E.** has household income that is at or below one hundred thirty-three percent of the federal poverty level (FPL) for the applicable family size. [\[Individuals eligible for other adults with an FPL above one hundred percent on or after July 1, 2019, are subject to a premium and are enrolled prospectively into the other adults category. Native Americans are exempt from the premium requirement.\]](#)

[8.296.400.9 NMAC - Rp, 8.296.400.9 NMAC, 1/1/2019; A, xx/xx/xxxx]

**8.296.400.10 OTHER ADULT ASSISTANCE UNIT AND BUDGET GROUP:** To be considered in the other adult assistance unit, an individual must apply and be determined eligible. Individuals living with the other adult who meet criteria in 8.291.430 NMAC are included in the budget group.  
[8.296.400.10 NMAC - Rp, 8.296.400.10 NMAC, 1/1/2019]

**HISTORY OF 8.296.400 NMAC:**

**History of Repealed Material:**

8.296.400 NMAC, Recipient Requirements, filed 9/17/2013 - Duration expired 12/31/2013.  
8.296.400 NMAC, Recipient Requirements, filed 12/17/2013 - Repealed 1/1/2019.