



State of New Mexico
Human Services Department
Human Services Register



I. DEPARTMENT
NEW MEXICO HUMAN SERVICES DEPARTMENT (HSD)

II. SUBJECT
8.281.500 NMAC MEDICAID ELIGIBILITY – INSTITUTIONAL CARE INCOME AND
RESOURCE STANDARDS

III. PROGRAM AFFECTED
(TITLE XIX) MEDICAID

IV. ACTION
FINAL RULE

V. BACKGROUND SUMMARY
New Mexico Human Services Register Vol. 38, No. 18, dated June 16, 2015, issued the proposed rule of the New Mexico Administrative Code (NMAC) rule 8.281.500 NMAC- Medicaid Eligibility – Institutional Care Income and Resource Standards.

A public hearing was held on July 16, 2015, to receive public comments and testimony on this proposed rule. The Human Services Department (the Department) received no oral testimony or recorded comments and one written comment.

Summary of Comment:

8.281.500 NMAC

Section 15 Subsection B Paragraph (1) (b) (iii) *“the institutionalized spouse remains, or is likely to remain, institutionalized for a period of at least 30 consecutive days based on a written statement from his or her physician and supporting medical documentation; the institutionalized applicant or recipient is considered “likely to remain” even if he or she does not actually remain in an institution for 30 consecutive days if he or she met this condition at the beginning of the period of institutionalization.”*

The commenter requests the Department to include physician assistants (PA) licensed by the New Mexico Board of Medical Examiners and the New Mexico Board of Osteopathic Medical Examiners as a practitioner to complete a written statement with supporting documentation of an eligible recipient who remains or is likely to remain institutionalized for a period of at least 30 consecutive days.

Department Response: The Department refers the commenter to the New Mexico Board of Medical Examiners which requires a PA must be supervised by a physician. This requirement in rule is existing language; the Department made a change to follow State Records direction (*his/her to his or her*). The Department does not limit a PA from rendering services; however, it must be the PA's supervising physician that signs such an attestation. The language stands as proposed.

The language in all other sections of the rule stands as proposed.

VI. RULE

The NMAC rule of 8.281.500 will be contained in the Medical Assistance Division Eligibility Manual. This final register and rule will be available on the HSD website at: <http://www.hsd.state.nm.us/LookingForInformation/registers.aspx> and the corresponding rule will also be posted at on the HSD website at <http://www.hsd.state.nm.us/providers/rules-nm-administrative-code-.aspx>. If you do not have internet access, a copy of this rule may be requested by contacting the Medical Assistance Division at 505-827-7743.

VII. EFFECTIVE DATE

This rule will have an effective date August 15, 2015.

VIII. PUBLICATION

Publication of this rule approved by:




BRENT EARNEST, SECRETARY
HUMAN SERVICES DEPARTMENT

July 27, 2015

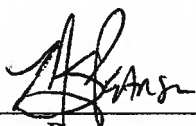
I hereby authorize New Mexico Human Services Department Deputy Secretary Sean Pearson and Deputy Secretary Michael Nelson to act as Secretary for the department for purposes of signing documents on the follow days in my absence.

July 29 – August 7, 2015



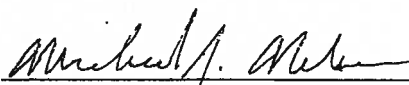
Brent Earnest
Cabinet Secretary

7/28/15
Date



Sean Pearson
Deputy Cabinet Secretary

7/28/15
Date



Michael Nelson
Deputy Cabinet Secretary

7/29/15
Date