



State of New Mexico
Human Services Department
Human Services Register



I. DEPARTMENT

NEW MEXICO HUMAN SERVICES DEPARTMENT (HSD)

II. SUBJECT

IMPLEMENTATION OF 2019 FEDERAL POVERTY
GUIDELINES IN AFFECTED MEDICAID CATEGORIES/SSI AND SPOUSAL
IMPOVERISHMENT STANDARDS

III. PROGRAM AFFECTED

(TITLE XIX) MEDICAID

IV. ACTION

EMERGENCY RULES

V. BACKGROUND SUMMARY

The Human Services Department (Department) has filed an emergency rule in order to implement the Department of Health and Human Services (HHS) updates to the Federal Poverty Level (FPL) income guidelines for the Medical Assistance Program (MAP) categories of eligibility to be effective April 1, 2019, as required by HHS. The SSI and Spousal Impoverishment standards are being updated due to the annual cost of living increase (COLA) that went into effect January 01, 2019. The emergency rules may impact MAP eligibility for current recipients or a new applicant based on the updated income limits as described below.

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: April 23, 2019

Adoption Date: The COLA is effective January 01, 2019. The FPL is effective April 01, 2019.

Technical Citations: 42 USC Section 9902 (2), Federal SSI and Spousal Impoverishment Standards, and SSA COLA Fact Sheet

Summary of Revisions:

8.200.510 NMAC

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

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

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

Section 14 is amended to reflect the current COLA for Resource Amounts for Supplemental Security Income Related Medicare Savings Programs.

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

8.200.520 NMAC

Section 11 is amended to reflect FPL mandates.

Section 12 is amended to reflect the cost of living increase.

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

Section 15 is amended to reflect the increase in SSI living arrangement amounts.

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

Section 20 is amended to reflect the increase in the covered quarter income standard.

8.291.430 NMAC

Section 10 is amended to reflect FPL mandates.

VI. RULE

These regulations will be contained in 8.200.510, 8.200.520 and 8.291.430 NMAC of the. The register and emergency rules are available on the HSD website at:

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

<http://www.hsd.state.nm.us/LookingForInformation/medical-assistance-division-1.aspx>. If you do not have Internet access, a copy of the register and rules may be requested by contacting MAD at 505-827-1337.

VII. EFFECTIVE DATE

The Department proposes to implement the COLA rule effective January 01, 2019 and the FPL rules effective April 01, 2019.

VIII. PUBLICATION

Publication of these rules approved by:



DAVID R. SCRASE, M.D., SECRETARY
HUMAN SERVICES DEPARTMENT