



State of New Mexico  
Human Services Department  
Human Services Register



**I. DEPARTMENT**

NEW MEXICO HUMAN SERVICES DEPARTMENT (HSD)

**II. SUBJECT**

**8.200.510 NMAC, General Recipient Rules-Resource Standards**  
**8.215.500 NMAC, SSI Methodology-Income and Resource Standards**  
**8.240.500-QMB-Income and Resource Standards**  
**8.281.400 NMAC, Institutional Care-Recipient Policies**  
**8.281.500 NMAC, Institutional Care-Income and Resource Standards**  
**8.290.400 NMAC, Home and Community-Based Services Waiver-Recipient Policies**

**III. PROGRAM AFFECTED**

(TITLE XIX) MEDICAID

**IV. ACTION**

FINAL RULE

**V. BACKGROUND SUMMARY**

New Mexico Human Services Register Volume 40, Register 25, dated October 31, 2017, issued the proposed rules, *8.200.510 NMAC, General Recipient Rules-Resource Standards, 8.215.500 NMAC, SSI Methodology-Income and Resource Standards, 8.240.500, QMB-Income and Resource Standards, 8.281.400 NMAC, Institutional Care-Recipient Policies, 8.281.500 NMAC, Institutional Care-Income and Resource Standards, 8.290.400 NMAC, Home and Community-Based Services Waiver-Recipient Policies.*

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: October 31, 2017

Hearing Date: November 29, 2017

Adoption Date: Proposed as March 01, 2018

Technical Citations:

Social Security Act 1917(f) and 1917(b)(1)(C)

Public Law 97-436, 98-64, 100-580 98-500, 103-66, 92-203, 100-241, and 111-291.

Public Law 113-295, The Stephen Beck, Jr., Achieving a Better Life Experience Act (ABLE Act)

42 CFR 435.907

A public hearing was held on November 29, 2017 to receive public comments and testimony on this proposed rule. The Human Services Department (the Department) received no written or oral testimony. The rules are being adopted as proposed except for the following formatting and acronym updates.

**8.215.500.20(D)(6)**

The Indian tribe per capita payments language was changed from one paragraph to five separate parts (a-e) for clarity.

**8.215.500.20(D)(15)**

The ABLE Act exclusions language was collapsed into three parts (a-c) rather than having each item listed separately for clarity.

**8.281.400.10**

The term “intermediate care facilities for the mentally retarded (ICF/MR)” was replaced with “intermediate care facilities for individuals with intellectual disabilities (ICF/IID).” Use of the term ICF/IID is consistent with the latest term used in other rules.

**VI. RULES**

These amendments will be contained in 8.200.510 NMAC, 8.215.500 NMAC, 8.240.500 NMAC, 8.281.400 NMAC, 8.281.500 NMAC, and 8.290.400 NMAC. The final register and rule languages are available on the HSD website at:

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

and <http://www.hsd.state.nm.us/public-notice-proposed-rule-and-waiver-changes-and-opportunities-to-comment.aspx>.

If you do not have internet access, a copy of the final register and rules may be requested by contacting MAD at 505-827-6252.

**VII. EFFECTIVE DATE**

This rule will have an effective date March 01, 2018.

**VIII. PUBLICATION**

Publication of these rules approved by:

  
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BRENT EARNEST, SECRETARY  
HUMAN SERVICES DEPARTMENT