

MEDICAID ELIGIBILITY
HOME AND COMMUNITY-BASED SERVICES WAIVER
(CATEGORIES 090, 091, 092, 093, 094, 095 AND 096)
RECIPIENT POLICIES

EFF: 2/27/2018

TITLE 8 SOCIAL SERVICES
CHAPTER 290 MEDICAID ELIGIBILITY - HOME AND COMMUNITY-BASED SERVICES WAIVER
(CATEGORIES 090, 091, 092, 093, 094, 095 AND 096)
PART 400 RECIPIENT POLICIES

8.290.400.1 ISSUING AGENCY: New Mexico Human Services Department (HSD).
[2/1/1995; 8.290.400.1 NMAC - Rn, 8 NMAC 4.WAV.000.1, 5/1/2002; A, 11/1/2012]

8.290.400.2 SCOPE: The rule applies to the general public.
[2/1/1995; 8.290.400.2 NMAC - Rn, 8 NMAC 4.WAV.000.2, 5/1/2002]

8.290.400.3 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 and by the state human services department pursuant to state statute. See Section 27-2-12 et seq., NMSA 1978.
[2/1/1995; 8.290.400.3 NMAC - Rn, 8 NMAC 4.WAV.000.3, 5/1/2002; A, 11/1/2012]

8.290.400.4 DURATION: Permanent.
[2/1/1995; 8.290.400.4 NMAC - Rn, 8 NMAC 4.WAV.000.4, 5/1/2002]

8.290.400.5 EFFECTIVE DATE: February 1, 1995 unless a later date is cited at the end of a section.
[2/1/1995; 8.290.400.5 NMAC - Rn, 8 NMAC 4.WAV.400, 5/1/2002]

8.290.400.6 OBJECTIVE: The objective of this rule is to provide eligibility criteria for the medicaid program.
[2/1/1995; 8.290.400.6 NMAC - Rn, 8 NMAC 4.WAV.000.6, 5/1/2002; A, 11/1/2007; A, 11/1/2012]

8.290.400.7 DEFINITIONS:

A. Adaptive behavior: The effectiveness or degree with which individuals meet the standards of personal independence and social responsibility expected for their age and cultural group.

B. Developmental disability: For the purposes of the DD waiver, a developmental disability is limited to an intellectual disability or a specific related condition as defined by the department of health/developmental disabilities supports division (DOH/DDSD) that is likely to continue indefinitely and results in substantial functional limitations in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living and economic self-sufficiency.

C. Developmental period: The time between birth and the 18th birthday.

D. Disability determination services unit (DDSU): The unit that determines disability as described in Section 8.200.420.11 NMAC.

E. General intellectual functioning: The results of one or more individually administered general intelligence tests developed for the purpose of assessing intellectual functioning.

F. Individual service plan (ISP): A treatment plan for an eligible recipient that includes the eligible recipient's needs, functional level, intermediate and long range goals, statement for achieving the goals and specifies responsibilities for the care needs. The plan determines the services allocated to the eligible recipient within program allowances.

G. Institutional care facility for individuals with intellectual disabilities (ICF/IID): This term replaces all references to institutional care facility for mental retardation (ICF/MR).

H. Intellectual disability: Refers to significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period. Intellectual disability replaces all references to mental retardation.

I. Letter of allocation: Written notice to the applicant that they may proceed with the home and community-based services waiver (HCBSW) application process.

J. Level of care: The level of nursing care needed by the eligible recipient.

K. Prospective: A period of time starting with the date of application going forward.

MEDICAID ELIGIBILITY
HOME AND COMMUNITY-BASED SERVICES WAIVER
(CATEGORIES 090, 091, 092, 093, 094, 095 AND 096)
RECIPIENT POLICIES

EFF: 2/27/2018

- L. Restricted coverage:** Medicaid eligibility without long term care services coverage.
- M. Significantly subaverage intellectual functioning:** IQ of 70 or below.
- N. Unduplicated recipient positions (UDR):** Space available in a particular HCBSW program.
- O. Waiver:** Permission from the centers for medicaid and medicare services (CMS) to cover a particular population or service not ordinarily allowed.
[8.290.400.7 NMAC - N, 11/1/2007; A, 11/1/2012]

8.290.400.8 [RESERVED]

8.290.400.9 HOME AND COMMUNITY-BASED SERVICES WAIVER - Category 090, 091, 092, 093, 094, 095, 096: The human services department (HSD) is the single state agency designated to administer the medicaid program in New Mexico. The department of health (DOH) and the human services department are charged with developing and implementing home and community-based services waiver (HCBSW) to medicaid applicants/recipients who meet both financial and medical criteria for an institutional (nursing facility (NF) or intermediate care facility for individuals with intellectual disabilities (ICF/IID) level of care. Provision of these services under a waiver allows applicants/recipients to receive the care required at home at less cost than in an institution. The services to be furnished under the waiver must be cost-effective. This means the aggregate cost of care must be an amount less than the cost of maintaining individuals in institutions at the appropriate level of care. The types of services for which MAD eligible recipients are eligible vary based on the individual waiver. See medical assistance division program manual for the standards for individual waiver of covered services and program rules for all waiver services. The following sections contain the eligibility rules for all waiver services.
[2/1/1995; 8.290.400.9 NMAC - Rn, 8 NMAC 4.WAV.400 & A, 5/1/2002; A/E, 12-1-06; A, 11/1/2007; A, 11/1/2012]

8.290.400.10 BASIS FOR DEFINING THE GROUP: Eligibility for applicants/recipients who apply for waiver services is determined as if he or she were actually institutionalized, although this requirement has been waived. Entry into some of the waiver programs may be based upon the number of unduplicated eligible recipient positions (UDRs) (i.e., slots). Some waiver categories require eligible recipients to be placed on a central registry. The individual waiver program manager is responsible for notifying ISD when an eligible recipient is allocated into a waiver program.

A. Coordination of long term-services (CoLTS) waiver: CoLTS waiver, formerly known as the disabled and elderly (D&E) waiver, identified as identified as categories 091 (elderly), 093 (blind) and 094 (disabled) was approved effective July 1983, subject to renewal. To qualify as disabled or blind for the purposes of this waiver, disability or blindness must have been determined to exist by the disability determination services unit (DDSU). To qualify as an elderly person for purposes of this waiver, the applicant/recipient must be 65 years of age or older. Applicants/recipients must also meet both the financial and non-financial eligibility requirements and meet the medical level of care for nursing facility services.

B. Developmental disabilities (DD) waiver: The developmental disabilities waiver identified as category 096 was approved effective July 1984, subject to renewal. Developmental disabilities waiver services are intended for eligible recipients who have developmental disabilities limited to intellectual disability (IID) or a specific related condition as determined by the DOH/DDSD. The developmental disability must reflect the person's need for a combination and sequence of special interdisciplinary or generic treatment or other supports and services that are lifelong or of extended duration and are individually planned and coordinated. The eligible recipient must also require the level of care provided in an intermediate care facility for individuals with developmental disabilities (ICF/IID), in accordance with Section 8.313.2 NMAC, and meet all other applicable financial and non-financial eligibility requirements.

(1) **Intellectual disability:** An individual is considered to have MR/ID if she/he has significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period.

(2) **Specific related condition:** An individual is considered to have a specific related condition if she/he has a severe chronic disability, other than mental illness, that meets all of the following conditions:

- (a) is attributable to:
 - (i) cerebral palsy or seizure disorder; or

MEDICAID ELIGIBILITY
HOME AND COMMUNITY-BASED SERVICES WAIVER
(CATEGORIES 090, 091, 092, 093, 094, 095 AND 096)
RECIPIENT POLICIES

EFF: 2/27/2018

(ii) is attributable to autistic disorder (as described in the fourth edition of the diagnostic and statistical manual of mental disorders); or

(iii) is attributable to chromosomal disorders (e.g. down), syndrome disorders, inborn errors of metabolism, or developmental disorders of the brain formation limited to the list in Paragraph (3) below;

(b) results in impairment of general intellectual functioning or adaptive behavior similar to that of persons with intellectual disability and requires treatment or services similar to individuals with ID;

(c) is manifested before the person reaches age 22 years;

(d) is likely to continue indefinitely; and

(e) results in substantial functional limitations in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living and economic self-sufficiency.

(3) List of chromosomal disorders (e.g., down) syndrome disorders, inborn errors of metabolism or developmental disorders of the brain formation.

(a) **chromosomal disorders:** autosomes: 4p-, trisomy 4p, trisomy 8, 5p-, 9p-, trisomy 9p, trisomy 9p mosaic, partial trisomy 10q, 13q-, ring 13, trisomy 13 (Patau), 18p-, 18q-, trisomy 18 (Edwards), Trisomy 20p, G (21,22) monosomy/deletion, trisomy 21 (down), translocation 21 (down), "cat-eye" syndrome; Prader-Willi syndrome (15);

(i) x-linked mental retardation: Allan syndrome; Atkin syndrome; Davis syndrome; Fitzsimmons syndrome; fragile x syndrome; fragile x phenotype (no fragile site); Gareis syndrome; glycerol kinase deficiency; Golabi syndrome; Homes syndrome; Juberg syndrome; Lujan syndrome; Renpenning syndrome; Schimke syndrome; Vasquez syndrome; nonspecific x-linked mental retardation;

(ii) other x chromosome disorders: xo syndrome (Turner); xyy syndrome; xxy syndrome (Klinefelter); xxxy syndrome; xxxy syndrome; xxxx syndrome; xxxxy syndrome (penta-x);

(b) **syndrome disorders:**

(i) neurocutaneous disorders: ataxia-telangiectasia (Louis-Bar); basal cell nevus syndrome; dyskeratosis congenital; ectodermal dysplasia (hyperhidrotic type); ectromelia ichthyosis syndrome; focal dermal hypoplasia (Goltz); ichthyosis-hypogonadism syndrome, incontinentia pigmenti (Bloch-Sulzberger); Ito syndrome; Klippel-Trenauney syndrome; linear sebaceous nevus syndrome; multiple lentiginos syndrome; neurofibromatosis (Type 1); poikiloderma (Rothmund-Thomsen); Pollitt syndrome; Sjogren-Larsen syndrome; Sturge-Weber syndrome; tuberous sclerosis; xeroderma pigmentosum;

(ii) **muscular disorders:** Becker muscular dystrophy; chondrodystrophic myotonia (Schwartz-Jampel); congenital muscular dystrophy; Duchenne muscular dystrophy; myotonic muscular dystrophy;

(iii) **ocular disorders:** Aniridia-Wilm's tumor syndrome; anophthalmia syndrome (x-linked); Leber amaurosis syndrome; Lowe syndrome; microphthalmia-corneal opacity-spasticity syndrome; Norrie syndrome; oculocerebral syndrome with hypopigmentation; retinal degeneration-trichomegaly syndrome; septo-optic dysplasia;

(iv) **craniofacial disorders:** acrocephaly-cleft lip-radial aplasia syndrome; acrocephalosyndactyly; type 1 (Apert); type 2 (Apert); type 3 (Saethre-Chotzen); type 6 (Pfeiffer); Carpenter syndrome with absent digits and cranial defects; Baller-Gerold syndrome; cephalopolysyndactyly (Greig) "cloverleaf-skull" syndrome; craniofacial dysostosis (Crouzon); craniotelencephalic dysplasia; multiple synostosis syndrome;

(v) **skeletal disorders:** acrodysostosis, CHILD syndrome; chondrodysplasia punctata (Conradi-Hunerman type); chondroectodermal dysplasia; Dyggve-Melchior-Clausen syndrome; frontometaphyseal dysplasia; hereditary osteodystrophy (Albright); hyperostosis (Lenz-Majewski); hypochondroplasia; Klippel-Feil syndrome; Nail-patella syndrome; osteopetrosis (Albers-Schonberg); pyknodysostosis; radial aplasia-thrombocytopenia syndrome; radial hypoplasia pancytopenia syndrome (Fanconi); Roberts-SC phocomelia syndrome;

(c) **inborn errors of metabolism:**

(i) **amino acid disorders:** phenylketonuria; phenylalanine hydroxylase (classical, Type 1); dihydropteridine reductase (type 4); dihydrobiopterin synthetase (type 5); histidinemia; gamma-glutamylcysteine synthetase deficiency; hyperlysinemia; lysinuric protein intolerance; hyperprolinemia;

MEDICAID ELIGIBILITY
HOME AND COMMUNITY-BASED SERVICES WAIVER
(CATEGORIES 090, 091, 092, 093, 094, 095 AND 096)
RECIPIENT POLICIES

EFF: 2/27/2018

hydroxyprolinemia; sulfite oxidase deficiency; iminoglycinuria; branched-chain amino acid disorders: hypervalinemia; hyperleucine-isoleucinemia; maple-syrup urine disease; isovaleric academia, glutaric academia (type 2); 3-hydroxy-3-methylglutaryl CoA lyase deficiency; 3-kethothiolase deficiency; biotin-dependent disorders: holocarboxylase deficiency; biotinidase deficiency; propionic academia: type A; Type BC; methylmalonic academia: mutase type (mut+); cofactor affinity type (mut-); adenosylcobalamin synthetase type (cbl A); ATP: cobalamin adenosyltransferase type (cbl B), with homocystinuria, type 1 (cbl C), with homocystinuria, type 2 (cbl D); folate-dependent disorders: congenital defect of folate absorption; dihydrofolate reductase deficiency; methylene tetrahydrofolate reductase deficiency; homocystinuria; hypersarcosinemia; non-ketotic hyperglycinemia; hyper-beta-alaninemia; carnosinase deficiency; homocarnosinase deficiency; Hartnup disease; methionine malabsorption (oasthouse urine disease);

(ii) **carbohydrate disorders:** glycogen storage disorders: type 1, with hypoglycemia (von Gierke); type 2 (Pompe); galactosemia; fructose-1, 6-diphosphatase deficiency; pyruvic acid disorders: pyruvate dehydrogenase complex (Leigh); pyruvate carboxylase deficiency; mannosidosis; fucosidosis; aspartylglucosaminuria;

(iii) **mucopolysaccharide disorders:** alpha-L-iduronidase deficiency: Hurler type; Scheie type, Hurler-Scheie type; iduronate sulfatase deficiency (Hunter type); Heparan N-sulfatase deficiency (Sanfilippo 3A type); N-acetyl-alpha-D-glucosaminidase deficiency (Sanfilippo 3B type); Acetyl CoA; glucosaminide N-acetyltransferase deficiency (Sanfilippo 3C type); N-acetyl-alpha D-glucosaminide 6-sulfatase deficiency (Sanfilippo 3D type); beta-glucuronidase deficiency (Sly type);

(iv) **mucolipid disorders:** alpha-neuraminidase deficiency (type1); N-acetylglucosaminyl phosphotransferase deficiency: I-cell disease (Type 2); Pseudo-Hurler syndrome (type 3); mucopolipidosis type 4;

(v) **urea cycle disorders:** carbamyl phosphate synthetase deficiency; ornithine transcarbamylase deficiency; argininosuccinic acid synthetase deficiency (citrullinemia); argininosuccinic acid (ASA) lyase deficiency; arginase deficiency (argininemia);

(vi) **nucleic acid disorders:** Lesch-Nyhan syndrome (HGPRTase deficiency); orotic aciduria; xeroderma pigmentosum (group A); DeSanctis-Cacchione syndrome;

(vii) **copper metabolism disorders:** Wilson disease; Menkes disease;

(viii) **mitochondrial disorders:** Kearns-Sayre syndrome; MELAS syndrome; MERRF syndrome; cytochrome c oxidase deficiency; other mitochondrial disorders;

(ix) **peroxisomal disorders:** Zellweger syndrome; adrenoleukodystrophy: neonatal (autosomal recessive); childhood (x-linked); infantile Refsum disease; hyperpipecolic academia; chondrodysplasia punctata (rhizomelic type);

(d) **developmental disorders of brain formation:**

(i) neural tube closure defects: anencephaly; spina bifida; encephalocele;

(ii) brain formation defects: Dandy-Walker malformation;

holoprosencephaly; hydrocephalus: aqueductal stenosis; congenital x-linked type; Lissencephaly; pachygyria; polymicrogyria; schizencephaly;

(iii) cellular migration defects: abnormal layering of cortex; colpocephaly; heterotopias of gray matter; cortical microdysgenesis

(iv) intraneuronal defects: dendritic spine abnormalities; microtubule abnormalities;

(v) acquired brain defects: hydranencephaly; porencephaly; and

(vi) primary (idiopathic) microcephaly.

C. Medically fragile (MF) waiver: The medically fragile (MF) waiver identified as category 095 was established effective August, 1984 subject to renewal. Eligible recipients must meet the level of care required for admission to an intermediate care facility for individuals with intellectual disabilities (ICF-IID), meet all other applicable financial and non-financial eligibility requirements and must have:

(1) a developmental disability, developmental delay, or be at risk for developmental delay as determined by the DDSU, and

(2) a diagnosis a medically fragile condition prior to the age of 22, defined as a chronic physical condition, which results in a prolonged dependency on medical care for which daily skilled (nursing) intervention is medically necessary, and which is characterized by one or more of the following:

MEDICAID ELIGIBILITY
HOME AND COMMUNITY-BASED SERVICES WAIVER
(CATEGORIES 090, 091, 092, 093, 094, 095 AND 096)
RECIPIENT POLICIES

EFF: 2/27/2018

(a) a life threatening condition characterized by reasonably frequent periods of acute exacerbation, which require frequent medical supervision or physician consultation and which, in the absence of such supervision or consultation, would require hospitalization;

(b) frequent, time-consuming administration of specialized treatments, which are medically necessary;

(c) dependency on medical technology such that without the technology a reasonable level of health could not be maintained; examples include, but are not limited to, ventilators, dialysis machines, enteral or parenteral nutrition support and continuous oxygen; and

(d) periods of acute exacerbation of a life-threatening condition, the need for extraordinary supervision or observation, frequent or time-consuming administration of specialized treatments, dependency on mechanical (life) support devices, and developmental delay or disability.

D. Acquired immunodeficiency syndrome (AIDS) and AIDS related condition (ARC) waiver: The acquired immunodeficiency syndrome (AIDS) and AIDS related condition waiver designated as category 090, was established effective July 1987, subject to renewal. This waiver serves eligible recipients diagnosed with AIDS/ARC. Eligible recipients must require nursing facility level of care and meet all other applicable financial and non-financial eligibility requirements.

E. Brain injury (BI): Brain injury services are designated as category 092. To qualify for purposes of this waiver, the eligible recipient must be under 65 years of age at the time of approval, meet all other applicable financial and non-financial eligibility requirements, require nursing facility level of care and have a brain injury diagnosis, as defined by the state. Brain injury is defined as:

(1) an injury to the brain of traumatic or acquired origin including: open and closed head injuries caused by an insult to the brain from an outside physical force; anoxia, electrical shock, shaken baby syndrome, toxic and chemical substances, near-drowning, infections; tumors, or vascular lesions;

(2) resulting in either temporary or permanent, partial or total impairments in one or more areas including, but not limited to: cognition; language; memory; attention; reasoning; abstract thinking; judgment; problem solving; sensory perception and motor abilities; psychosocial behavior; physical functions; information processing; and speech resulting in total or partial functional disability or psychosocial impairment or both;

(3) the term "brain injury" does not apply to injuries that are congenital, degenerative, induced by birth trauma or neurological disorders related to the aging process, or chemically caused brain injuries that are a result of habitual substance abuse.

[2/1/1995; 3/15/96; 8.290.400.10 NMAC - Rn, 8 NMAC 4.WAV.402 & A, 5/1/2002; A/E, 12-1-06; A, 11/1/2007; A, 11/1/2012]

8.290.400.11 GENERAL RECIPIENT REQUIREMENTS: Eligibility for the waiver programs is always prospective. Applicants/recipients must meet, or expect to meet, all non-financial eligibility criteria in the month for which determination of eligibility is made. The application process begins once the letter of allocation, level of care, and the application for medical assistance is received by the income support division worker. After the individual service plan (ISP) has been in effect for 30 days or if it can be reasonably anticipated that services will be in effect for 30 days, the application is approved effective the first day of the month of the start date of the individualized service plan, unless income/resources deemed to a minor child from his parents results in the child's ineligibility for the initial month. The eligibility start date is based on the date of application or the start date of the ISP, whichever is later.

A. Enumeration: An applicant/recipient must furnish his social security number. Medicaid eligibility is denied or terminated for an applicant/recipient who fails to furnish social security number.

B. Citizenship: Refer to medical assistance *Eligibility Manual* Subsection 11 of Section 8.200.410 NMAC.

C. Residence: To be eligible for medicaid, an applicant/recipient must be physically present in New Mexico on the date of application or final determination of eligibility and must have declared an intent to remain in the state. If the applicant/recipient does not have the present mental capacity to declare intent, the applicant's/recipient's representative may assume responsibility for the declaration of intent. If the applicant/recipient does not have the mental capacity to declare intent and there is no representative to assume this responsibility, the state where the applicant/recipient is living will be recognized as the state of residence. If waiver services are suspended because the recipient is temporarily absent from the state but is expected to return within 60 consecutive days at which time waiver services will resume, the medicaid case remains open. If waiver services are

MEDICAID ELIGIBILITY
HOME AND COMMUNITY-BASED SERVICES WAIVER
(CATEGORIES 090, 091, 092, 093, 094, 095 AND 096)
RECIPIENT POLICIES

EFF: 2/27/2018

suspended for any other reason for 60 consecutive days, the medicaid case is closed after appropriate notice is provided to the recipient.

D. Non-concurrent receipt of assistance: Home and community-based services waiver (HCBSW) services furnish medicaid benefits to an applicant/recipient who qualifies both financially and medically for institutional care but who, with provision of waiver services, can receive the care he needs in the community at less cost to the medicaid program than the appropriate level of institutional care. Individuals receiving services under a HCBSW may not receive concurrent services under nursing facility (NF), ICF-MR, personal care or any other HCBSW.

(1) **SSI recipients:** Applicants receiving supplemental security income (SSI) benefits are categorically eligible for waiver services. No further verification of income, resources, citizenship, age, disability, or blindness is required. The applicant must, however, meet the level of care requirement. (An SSI recipient must meet the assignment of rights and TPL requirements and not be ineligible because of a trust).

(2) **Married SSI couples:** All married SSI couples where neither member is institutionalized in a medicaid-certified facility are treated as separate individuals for purposes of determining eligibility and benefit amounts beginning the month after the month they began living apart. See Section 8012 of the Omnibus Budget Reconciliation Act of 1989. In the case of an initial application, or reinstatement following a period of ineligibility, when members of a married couple are not living together on the date of application or date of request for reinstatement, each member of the couple is considered separately as of the date of application or request, regardless of how recently the separation occurred.

E. INTERVIEW REQUIREMENTS: An interview is required at initial application for all home and community-based waiver medical assistance programs in accordance with all of the requirements set forth at 8.281.400.11 NMAC.

[2/1/1995, 4/30/98; 8.290.400.11 NMAC - Rn, 8 NMAC 4.WAV.410, 411, 412, 413, 414 & A, 5/1/2002; A, 11/1/2007; A, 3/1/2018]

8.290.400.12 SPECIAL RECIPIENT REQUIREMENTS:

A. Age: To be considered elderly, an applicant/recipient must be 65 years of age or older. See Section 8.281.400.16 NMAC, AGE, for information on verification of age.

B. Blind: To be considered blind, an applicant/recipient must have central visual acuity of 20/200 or less with corrective lenses or must be considered blind for practical purposes. The ISD worker is responsible for submitting medical reports to the DDC, if necessary. See Section 8.281.400.17 NMAC, *Blind*, For Information on documentation and verification of blindness.

C. Disability: To be considered disabled, an applicant/recipient must be unable to engage in any substantial gainful activity because of any medical determinable physical, developmental, or mental impairment, which has lasted, or is expected to last, for a continuous period of at least 12 months. The ISD worker is responsible for submitting medical reports to the DDC, if necessary. See Section 8.281.400.18 NMAC, *Disability*, for information on documentation and verification of disability.

D. Requires institutional care: An institutional level of care must be recommended for the applicant/recipient by a physician, nurse practitioner or a doctor of osteopathy, licensed to practice in the state of New Mexico. Institutions are defined as acute care hospitals, nursing facilities (either high NF or low NF as defined by medicaid regulations) and intermediate care facilities for the mentally retarded (ICF-MRs). Level of care reviews are completed by the medical assistance division (MAD) utilization review contractor.

[2/1/1995; 8.290.400.12. NMAC - Rn, 8 NMAC 4.WAV.420, 421, 422, 424, 429, 5/1/2002; A, 11/1/2007]

8.290.400.13 RECIPIENT RIGHTS AND RESPONSIBILITIES: An applicant/recipient is responsible for establishing his eligibility for medicaid. As part of this responsibility, the applicant/recipient must provide required information and documents or take the actions necessary to establish eligibility. Failure to do so must result in a decision that eligibility does not exist. An applicant/recipient must also grant the human services department (HSD) permission to contact other persons, agencies or sources of information, which are necessary to establish eligibility. See Section 8.200.430 NMAC, *Recipient Rights And Responsibilities* for specific information.

[2/1/1995; 8.290.400.13 NMAC - Rn, 8 NMAC 4.WAV.430, 5/1/2002; A, 11/1/2007]

8.290.400.14 REPORTING REQUIREMENTS: A medicaid applicant/recipient, case manager, direct service provider or any other responsible party must report any changes in circumstances which may affect the

MEDICAID ELIGIBILITY
HOME AND COMMUNITY-BASED SERVICES WAIVER
(CATEGORIES 090, 091, 092, 093, 094, 095 AND 096)
RECIPIENT POLICIES

EFF: 2/27/2018

applicant's/recipient's eligibility within 10 days of the date of the change to the county income support division (ISD) office. These changes include but are not limited to: changes in income, resources, living arrangements, or marital status. The ISD worker must evaluate the effect of the change and take any required action as soon as possible; however, the action must take effect no later than the end of the month following the month in which the change took place.

[2/1/1995; 8.290.400.14 NMAC - Rn, 8 NMAC 4.WAV.450 & A; 5/1/2002; A, 11/1/2007]

HISTORY OF 8.290.400 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the Commission of Public Records-State Records Center and Archives:
MAD Rule 898, Transfers Of Assets, 12/29/1994.

History of Repealed Material: [RESERVED]