TITLE 8  SOCIAL SERVICES
CHAPTER 295  MEDICAID ELIGIBILITY - CHILDREN UNDER 19
PART 400  RECIPIENT REQUIREMENTS

8.295.400.1 ISSUING AGENCY: New Mexico Human Services Department (HSD).
[8.295.400.1 NMAC - Rp, 8.295.400.1 NMAC, 1-1-14]

8.295.400.2 SCOPE: The rule applies to the general public.
[8.295.400.2 NMAC - Rp, 8.295.400.2 NMAC, 1-1-14]

8.295.400.3 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 and XXI of the
Social Security Act as amended or by state statute. See NMSA 1978, Section 27-1-12 et seq.
[8.295.400.3 NMAC - Rp, 8.295.400.3 NMAC, 1-1-14]

8.295.400.4 DURATION: Permanent.
[8.295.400.4 NMAC - Rp, 8.295.400.4 NMAC, 1-1-14]

8.295.400.5 EFFECTIVE DATE: January 1, 2014, unless a later date is cited at the end of a section.
[8.295.400.5 NMAC - Rp, 8.295.400.5 NMAC, 1-1-14]

8.295.400.6 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.
[8.295.400.6 NMAC - Rp, 8.295.400.6 NMAC, 1-1-14]

8.295.400.7 DEFINITIONS: Refer to 8.291.400.7 NMAC.
[8.295.400.7 NMAC - Rp, 8.295.400.7 NMAC, 1-1-14]

8.295.400.8 MISSION: To reduce the impact of poverty on people living in New Mexico by providing
support services that help families break the cycle of dependency on public assistance.
[8.295.400.8 NMAC - Rp, 8.295.400.8 NMAC, 1-1-14]

8.295.400.9 WHO CAN BE A RECIPIENT: To be eligible, [a-]child an applicant must meet specific
eligibility medical assistance programs (MAP) requirements:
A. an individual under 19 years of age; and
B. an individual who meets ACA eligibility requirements pursuant to 8.291.400 through 2.291.430
NMAC.
[8.295.400.9 NMAC - Rp, 8.295.400.9 NMAC, 1-1-14]

8.295.400.10 BASIS FOR DEFINING THE ASSISTANCE UNIT AND BUDGET GROUP: To be
considered in a child assistance unit, an individual must apply and be determined eligible. Individuals living with
the child applicant who meet criteria in 8.291.430 NMAC are included in the budget group.
[8.295.400.10 NMAC - Rp, 8.295.400.10 NMAC, 1-1-14]

8.295.400.11 CHILDREN'S HEALTH INSURANCE PROGRAM (CHIP):
A. A budget group that includes [a-]child the applicant and has countable income between the
following federal income poverty limits (FPL) is considered to be eligible for the CHIP:
(1) if the child applicant in the assistance unit is under the age of six and the assistance unit and
budget group's countable income is between 240 and 300 percent of FPL for the countable household size; or
(2) if the assistance unit consists of [a-]child the applicant age six or over and the assistance unit's
and budget group's countable income is between 190 and 240 percent of FPL for the countable household size.
B. In order to be eligible for CHIP, the child applicant in the assistance unit cannot have other
qualified health plan (QHP) coverage. Individuals who have voluntarily dropped a QHP will be eligible for
inclusion in the assistance unit in the month the individual no longer has a QHP.
8.295.400.12  SCHOOL ATTENDANCE REQUIREMENT: School attendance is required for an applicant or eligible recipient who is 18 years of age or older. There is no school requirement for an applicant or eligible recipient under the age of 18. The applicant or eligible recipient 18 years of age must be a full-time student at a certified educational facility or participating and fully complying with a home-schooling program approved by the New Mexico Public Education Department. Whether the applicant or eligible recipient is considered a full-time student and meeting full-time attendance requirements is based on the standards of the educational facility or program in which the applicant is enrolled. An applicant or recipient who has received a general equivalency development (GED) certificate or are early high school graduates is considered to have met school attendance requirements and will continue to be MAP eligible up to age 19.
   A.   (1)  School Attendance Evaluations: School attendance requirements are evaluated only at the time of MAP application or recertification.
   B.   Unsatisfactory attendance:
       (1)  The applicant or eligible recipient shall be considered not meeting the school attendance requirement when he or she:
           (a)  is not enrolled in school;
           (b)  has accumulated three unexcused absences in a grading period, but not on the same day;
           (c)  has dropped out of school during the current grading period; or
           (d)  has three or more unexcused absences during the time period covered by a current school attendance plan.
       (2)  Reporting requirement: Within 10 calendar days of the date it becomes known, the parent, specified relative, or caretaker must report to ISD if the applicant or eligible recipient is not enrolled in school, has accumulated three unexcused absences during the current grading period, or has dropped out of school.
       (3)  Failure to meet: failure to meet the school attendance requirements with good cause the applicant or recipient will be ineligible for MAP enrollment.
       (4)  Good cause: An applicant or eligible recipient with unsatisfactory school attendance or enrollment shall be warranted good cause based on the following circumstances:
           (a)  periods of personal illness or convalescence;
           (b)  family emergencies, for a period not to exceed 30 calendar days;
           (c)  participation in or attendance at cultural and religious activities as long as the applicant or eligible recipient has parental consent; or
           (d)  the applicant or eligible recipient is a minor parent with a child under 12 weeks of age.
   E.   Regaining eligibility: In order for the recipient to regain eligibility, changes in school attendance must be reported by the parent/caretaker. Eligibility may be regained when:
       (1)  he or she has attended school with no unexcused absences for 30 calendar days, or for the remainder of the semester if the semester is less than 30 calendar days, provided he or she intends to re-enroll the following semester.
       (2)  circumstances of good cause apply as listed in this Section Subsection B Paragraph (4) of this rule; or
       (3)  during the summer months the recipient is promoted, attends summer school, intends to re-enroll the following semester or graduates.

HISTORY OF 8.295.400 NMAC:

History of Repealed Material: