September 14, 2017

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 September 14, 2017, as required by (HHS). The FPL is used in determining monthly income standards for MAP categories of eligibility and these FPL guidelines are contained in 8.200.520 NMAC and 8.291.430 NMAC. The Department is holding a public hearing on October 26, 2017 to receive testimony on the emergency rules of 8.200.520 NMAC and 8.291.430 NMAC and to receive written, recorded, or electronic comments.

Summary of Changes:
- Sections 11 of 8.200.520 NMAC Medicaid Eligibility Income Standards will be amended to reflect current FPL mandates.
- Section 10 of 8.291.430 NMAC Medicaid Eligibility Affordable Care will be amended to reflect current FPL mandates.

A current recipient or new applicant’s eligibility for a MAP category of eligibility may be affected based on updated income limits.

NM Stat Section 9-8-6 NMSA 1978 (2016) authorizes the Department Secretary to promulgate rules and regulations that may be necessary to carry out the duties of the Department and its divisions.

The register for these emergency amendments to these rules will be available September 14, 2017 on the HSD web site at http://www.hsd.state.nm.us/LookingForInformation/registers.aspx or at http://www.hsd.state.nm.us/public-notices-proposed-rule-and-waiver-changes-and-opportunities-to-comment.aspx. If you do not have Internet access, a copy of the proposed rules may be requested by contacting MAD in Santa Fe at 505-827-6252.

A public hearing to receive testimony on these rules will be held in Hearing Room 1, Toney Anaya Building, 2550 Cerrillos Road, Santa Fe, New Mexico, 87505 on Thursday, October 26, 2017 from 10 a.m to 11 a.m., Mountain Daylight Time (MDT).

Interested parties may submit written comments directly to: Human Services Department, Office of the Secretary, ATT: Medical Assistance Division Public Comments, P.O. Box 2348, Santa Fe, New Mexico 87504-2348. Recorded comments may be left by calling (505) 827-1337. Electronic comments may be submitted to madrules@state.nm.us. Written, electronic and recorded comments will be given the same consideration as oral testimony made at the public hearing. All comments must be received no later than 5:00 p.m. MDT, October 26, 2017.

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact MAD in Santa Fe at 505-827-6252. The Department requests at least ten (10) days advance notice to provide requested alternative formats and special accommodations.
Copies of all comments will be made available by the MAD upon request by providing copies directly to a requestor or by making them available on the MAD website or at a location within the county of the requestor.