



Susana Martinez, Governor
Brent Earnest, Secretary
Nancy Smith-Leslie, Director

March 24, 2015

The New Mexico Human Services Department Medical Assistance Division is providing this notice for the purpose of receiving comments regarding its proposed Medicaid State Plan amendment to recognize same-sex couples as spouses, if they are legally married, for purposes of making Medicaid eligibility determinations. The State Plan Amendment may be viewed on the HSD website at: <http://www.hsd.state.nm.us/uploads/files/Looking%20For%20Information/General%20Information/State%20Plan%20Amendments/Draft%20Form%20-%20S12.pdf>

The first purpose of SPA 15-03 is to allow HSD to complete a determination of income either based on Modified Adjusted Gross Income (MAGI) or, for MAGI-excepted groups, utilizing AFDC-related or SSI-related methodologies, recognizing same-sex couples as spouses if they are legally married under the laws of a state, territory or foreign jurisdiction in which the marriage was celebrated. This provision will also govern the MAD's definition of marriage for post-eligibility issues, including spousal impoverishment, asset transfers and estate recovery rules, to the degree permitted by New Mexico law.

The second purpose of SPA 15-03 is to clarify that those individuals whose eligibility for Medicaid is based on eligibility for another benefit program, and for whom MAD does not complete a determination of income for Medicaid eligibility, HSD will not make any determination concerning marital status. Medicaid eligibility will continue to be based on the determination of eligibility for the applicable benefits.

Written comments, as well as requests for copies of all comments received, may be sent to Cecelia Salazar, Medicaid Assistance Division-HSD, PO Box 2348, Santa Fe, New Mexico, 87504-2348, or by email to madrules@state.nm.us. If you are a person with a disability and you require this information in an alternative format, please contact MAD toll free at 1-888-997-2583 and ask for extension 7-7743. In Santa Fe call 827-7743. The Department's TDD system may be accessed toll-free at 1-800-659-8331 or in Santa Fe by calling 827-3184.