



State of New Mexico
Human Services Department
Human Services Register



I. DEPARTMENT

NEW MEXICO HUMAN SERVICES DEPARTMENT (HSD)
8.291.430 NMAC MEDICAL ASSISTANCE PROGRAMS CATEGORY OF AFFORDABLE
CARE ELIGIBILITY

III. PROGRAM AFFECTED
(TITLE XIX) MEDICAID

IV. ACTION
PROPOSED RULE

V. BACKGROUND SUMMARY

The Human Services Department (the Department), through the Medical Assistance Division (MAD), is proposing to amend rule 8.291.430 of the New Mexico Administrative Code (NMAC)

Specifically:

8.291.430 NMAC

Section 13

- Subsection A - new language to provide instructions on determining household size when there is an inmate of a public institution.
- Subsection D – new language to recognize same-sex married as spouses for purposed of making a Medical Assistance Program (MAP) category of eligibility determination.

Section 14

- Subsection B – new language to provide instructions on defining the basis for a MAGI-based income of an applicant's or a recipient's dependent's income resources.

Section 15

- Subsection B: deleting Paragraph 4 – the language is incorporated in other sections of this rule.

The Department proposes throughout this rule to:

1. Standardize rule language for consistency and clarity with MAD eligibility NMAC rules;
2. Update terminology to reflect current usage; and
3. Re-write sections, subsections, and paragraphs to add clarity for a reader.

VI. RULE

This proposed rule will be contained in 8.291.430 NMAC. This register and the proposed rule are available on the HSD website at: <http://www.hsd.state.nm.us/LookingForInformation/registers.aspx> and 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 rule may be requested by contacting MAD at 505-827-3118.

VII. EFFECTIVE DATE

The Department proposes to implement this rule effective November 1, 2015.

VIII. PUBLIC HEARING

A public hearing to receive testimony on this proposed rule will be held in the Rio Grande Room, Toney Anaya Building, 2550 Cerrillos Road, Santa Fe, New Mexico on September 14, 2015, at 10 a.m. Mountain Daylight Time (MDT).

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 toll free at 1-888-997-2583 and ask for extension 7-3156. In Santa Fe call 827-3156. The Department's TDD system may be accessed toll-free at 1-800-659-8331 or in Santa Fe by calling 827-3184. The Department requests at least 10 working days advance notice to provide requested alternative formats and special accommodations.

Copies of all comments will be made available by 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.

IX. ADDRESS

Interested persons may address written comments to:

Human Services Department
Office of the Secretary
ATTN: Medical Assistance Division Public Comments
P.O. Box 2348
Santa Fe, New Mexico 87504-2348

Recorded comments may be left at (505) 827-1337. Interested persons may also address comments via electronic mail to: madrules@state.nm.us. Written mail, electronic mail and recorded comments must be received no later than 5 p.m. MDT on September 14, 2015. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing.

X. PUBLICATION

Publication of this rule approved by:



BRENT EARNEST, SECRETARY
HUMAN SERVICES DEPARTMENT