



State of New Mexico  
Human Services Department  
Human Services Register



**I. DEPARTMENT**

NEW MEXICO HUMAN SERVICES DEPARTMENT

**II. SUBJECT**

AFGHAN AND IRAQI SPECIAL IMMIGRANTS

**III. PROGRAM AFFECTED**

(TITLE XIX) MEDICAID

**IV. ACTION**

PROPOSED REGULATIONS

**V. BACKGROUND SUMMARY**

The New Mexico Human Services Department (HSD) is proposing to include Afghan and Iraqi Refugees as qualified aliens who are exempt from being barred from Medicaid eligibility for a period of five years per Section 8120 of Pub. L. No. 111-118, Department of Defense Appropriations Act of 2010.

**VI. REGULATIONS**

These proposed rule changes refer to 8.200.410 NMAC of the Medical Assistance Program Eligibility Manual. This register is available on the Medical Assistance Division web site at [www.hsd.state.nm.us/mad/register/2010](http://www.hsd.state.nm.us/mad/register/2010). The proposed rule changes are attached to the register. If you do not have Internet access, a copy of the rules may be requested by contacting the Medical Assistance Division at 505-827-3156.

**VII. EFFECTIVE DATE**

The Department proposes to implement these rules effective October 15, 2010.

**VIII. PUBLIC HEARING**

A public hearing to receive testimony on these proposed rules will be held at 9:00 a.m. on Tuesday, August 31, 2010, in the South Park conference room, 2055 S. Pacheco St., Ste.500-590, Santa Fe, NM.

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 the Division 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 ten (10) days advance notice to provide requested alternative formats and special accommodations.

Copies of all comments will be made available by the Medical Assistance Division 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 or recorded comments to:

Kathryn Falls, Secretary  
Human Services Department  
P.O. Box 2348  
Santa Fe, New Mexico 87504-2348

These comments must be received no later than 5:00 p.m. on August 31, 2010. Written and recorded comments will be given the same consideration as oral comments made at the public hearing. Interested persons may also address comments via electronic mail to:

[Magdalena.Romero@state.nm.us](mailto:Magdalena.Romero@state.nm.us).

#### **X. PUBLICATIONS**

Publication of these rules approved by:

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KATHRYN FALLS, SECRETARY  
HUMAN SERVICES DEPARTMENT

MAD-MR:

**MEDICAID ELIGIBILITY  
GENERAL RECIPIENT POLICIES**

**EFF: proposed**

Explanatory paragraph. This is an amendment to 8.200.410 NMAC, Section 11, which will be effective October 15, 2010. The Medical Assistance Division (MAD) is amending Subsection B, Paragraph (1), Subparagraph (k) and Paragraph (2) Subparagraph (l) to include Afghan and Iraqi Refugees as qualified aliens who are exempt from being barred from Medicaid eligibility for a period of five years per Section 8120 of Pub. L. 111-118, Department of Defense Appropriations Act of 2010.

**TITLE 8            SOCIAL SERVICES  
CHAPTER 200    MEDICAID ELIGIBILITY - GENERAL RECIPIENT POLICIES  
PART 410        GENERAL RECIPIENT REQUIREMENTS**

**8.200.410.11    CITIZENSHIP:** To be eligible for medicaid, an individual must be a citizen of the United States; or an alien who entered the United States prior to August 22, 1996, as one of the classes of aliens described in Subsection A of 8.200.410.11 NMAC or an alien who entered the United States as a qualified alien on or after August 22, 1996, and who has met the five-year bar listed in Subsection B of 8.200.410.11 NMAC.

**B.            Aliens who entered the United States on or after August 22, 1996:**

(1)    Aliens who entered the United States on or after August 22, 1996, are barred from Medicaid eligibility for a period of five years, other than emergency services (under category 85). The five-year bar begins on the date of the alien's entry into the United States with a status of qualified alien. The following classes of qualified aliens are exempt from the five-year bar.

          (k)    Afghan and Iraqi Special Immigrants under section 8120 of Pub. L. 111-118 of the Department of Defense Appropriations Act, 2010.

          (2)    **Qualified alien:** A "qualified alien", for the purpose of this regulation, is an alien, who at the time the alien applies for, receives, or attempts to receive a federal public benefit, is:

          (l)    Afghan and Iraqi Special Immigrants under section 8120 of Pub. L. 111-118 of the Department of Defense Appropriations Act, 2010.

[2/1/95; 1/1/97; 4/1/98; 8.200.410.11 NMAC - Rn, 8 NMAC 4.MAD.412 & A, 7/1/03; A/E, 10/1/09; A, 10/15/10]