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**TITLE 8 SOCIAL SERVICES**  
**CHAPTER 285 MEDICAID ELIGIBILITY - EMERGENCY MEDICAL SERVICES FOR ALIENS**  
**(CATEGORY 085)**  
**PART 400 RECIPIENT POLICIES**

**8.285.400.1 ISSUING AGENCY:** New Mexico Human Services Department.  
[2/1/95; 8.285.400.1 NMAC - Rn, 8 NMAC 4.ESA.000.1, 12/1/08]

**8.285.400.2 SCOPE:** The rule applies to the general public.  
[2/1/95; 8.285.400.2 NMAC - Rn, 8 NMAC 4.ESA.000.2, 12/1/08]

**8.285.400.3 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 of the Social Security Act, as amended and by the state human services department pursuant to state statute. See Section 27-2-12 et seq. NMSA 1978 (Repl. Pamp. 1991).  
[2/1/95; 8.285.400.3 NMAC - Rn, 8 NMAC 4.ESA.000.3, 12/1/08]

**8.285.400.4 DURATION:** Permanent  
[2/1/95; 8.285.400.4 NMAC - Rn, 8 NMAC 4.ESA.000.4, 12/1/08]

**8.285.400.5 EFFECTIVE DATE:** February 1, 1995, unless a later date was cited at the end of a section.  
[2/1/95; 8.285.400.5 NMAC - Rn, 8 NMAC 4.ESA.000.5 & A, 12/1/08]

**8.285.400.6 OBJECTIVE:** The objective of these regulations is to provide eligibility policy and procedures for the medicaid program.  
[2/1/95; 8.285.400.6 NMAC - Rn, 8 NMAC 4.ESA.000.6, 12/1/08]

**8.285.400.7 DEFINITIONS:** [RESERVED]

**8.285.400.8** [RESERVED]

**8.285.400.9 EMERGENCY MEDICAL SERVICES FOR ALIENS - CATEGORY 085:** Certain non-citizens who are undocumented or who do not meet the qualifying immigration criteria specified in 8.200.410.11 NMAC, but who meet all eligibility criteria for medicaid categories 030, 032, 035, 072, or SSI can receive coverage for emergency services. See 42 CFR Section 440.225.  
[2/1/95; 4/30/98; 8.285.400.9 NMAC - Rn, 8 NMAC 4.ESA.400 & A, 12/1/08]

**8.285.400.10 BASIS FOR DEFINING THE GROUP:** The determination of emergency status is made by the medicaid utilization review contractor. For purposes of determining emergency status, the following definition applies. An "emergency" is a medical condition, including all emergency labor and delivery, inductions and cesarean sections, manifested by acute symptoms of sufficient severity that the absence of immediate medical attention could reasonably be expected to result in placing the patient's health in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part. See 8.325.10 NMAC, *Emergency Services for Aliens*.  
[2/1/95; 8.285.400.10 NMAC - Rn, 8 NMAC 4.ESA.402 & A, 12/1/08]

**8.285.400.11 GENERAL RECIPIENT POLICIES:**  
[2/1/95; 8.285.400.11 NMAC - Rn, 8 NMAC 4.ESA.400, 12/1/08]

**8.285.400.12 ENUMERATION:** An alien applicant is exempt from the requirement to provide a social security number. If the applicant is found eligible for coverage of emergency services, the claims are paid using a dummy number. Issuance of the dummy number is done on the current eligibility system.  
[2/1/95; 8.285.400.12 NMAC - Rn, 8 NMAC 4.ESA.411 & A, 12/1/08]

**8.285.400.13 CITIZENSHIP:** An applicant must be a noncitizen who is undocumented or who does not meet the qualifying immigration criteria specified in 8.200.410.11 NMAC, *Citizenship*.  
[2/1/95; 4/30/98; 8.285.400.13 NMAC - Rn, 8 NMAC 4.ESA.412 & A, 12/1/08]

**8.285.400.14 RESIDENCE:** An applicant must provide proof of New Mexico residence. Undocumented aliens traveling through New Mexico, visiting in New Mexico, or touring New Mexico do not meet the residence requirements for eligibility.  
[2/1/95; 8.285.400.14 NMAC - Rn, 8 NMAC 4.ESA.413 & A, 12/1/08]

**8.285.400.15 EMPLOYMENT, TRAINING, AND WORK REGISTRATION:** Registration for employment or training is not a factor of eligibility.  
[2/1/95; 8.285.400.15 NMAC - Rn, 8 NMAC 4.ESA.415, 12/1/08]

**8.285.400.16 SPECIAL RECIPIENT REQUIREMENTS:**  
[2/1/95; 8.285.400.16 NMAC - Rn, 8 NMAC 4.ESA.420, 12/1/08]

**8.285.400.17 SSI STATUS:** Applicants who apply under SSI coverage must meet the income and resource limits. Eligibility is determined using the SSI methodology contained in Title 8, Chapter 215 NMAC, Medicaid Eligibility - Supplemental Security Income (SSI) Methodology. Disability is determined by disability determination services.  
[2/1/95; 8.285.400.17 NMAC - Rn, 8 NMAC 4.ESA.427 & A, 12/1/08]

**8.285.400.18 RECIPIENT RIGHTS AND RESPONSIBILITIES:** An applicant/recipient is responsible for establishing his/her eligibility for medicaid. As part of this responsibility, the applicant/recipient must provide required information and documents or take the actions necessary to establish eligibility. Failure to do so must result in a decision that eligibility does not exist. An applicant/recipient must also grant the human services department (HSD) permission to contact other persons, agencies or sources of information, which are necessary to establish eligibility.  
[2/1/95; 8.285.400.18 NMAC - Rn, 8 NMAC 4.ESA.430, 12/1/08]

**8.284.400.19 ASSIGNMENT OF SUPPORT: Assignments of medical support:** As a condition of eligibility, applicants/recipients must [42 CFR Section 433.146; 27-2-28 (G) NMSA 1978 (Repl. Pamp. 1991):  
A. assign rights to medical support and payments to the human services department (HSD); the assignment authorizes HSD to pursue and make recoveries from liable third parties on the recipient's behalf;  
B. assign the rights to medical support and payments of other individuals eligible for medicaid, for whom he/she can legally make an assignment; and  
C. assign his/her individual rights to any medical care/support available under an order of a court or an administrative agency.  
[2/1/95; 8.285.400.19 NMAC - Rn, 8 NMAC 4.ESA.434 & A, 12/1/08]

**HISTORY OF 8.285.400 NMAC:** [RESERVED]