

MEDICAID ELIGIBILITY – QUALIFIED DISABLED INDIVIDUALS (CATEGORY 042)
RECIPIENT POLICIES

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MAD-MR:

EFF DATE: 9-16-13

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TITLE 8 SOCIAL SERVICES
CHAPTER 242 MEDICAID ELIGIBILITY - QUALIFIED DISABLED INDIVIDUALS (CATEGORY 042)
PART 400 RECIPIENT POLICIES

8.242.400.1 ISSUING AGENCY: New Mexico Human Services Department.
[2/1/95; 8.242.400.1 NMAC - Rn, 8 NMAC 4.QDS.000.1, 9-15-13]

8.242.400.2 SCOPE: The rule applies to the general public.
[2/1/95; 8.242.400.2 NMAC - Rn, 8 NMAC 4.QDS.000.2, 9-15-13]

8.242.400.3 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; 8.242.400.3 NMAC - Rn, 8 NMAC 4.QDS.000.3, 9-15-13]

8.242.400.4 DURATION: Permanent
[2/1/95; 8.242.400.4 NMAC - Rn, 8 NMAC 4.QDS.000.4, 9-15-13]

8.242.400.5 EFFECTIVE DATE: February 1, 1995
[2/1/95; 8.242.400.5 NMAC - Rn, 8 NMAC 4.QDS.000.5, 9-15-13]

8.242.400.6 OBJECTIVE: The objective of these regulations is to provide eligibility policy and procedures for the medicaid program.
[2/1/95; 8.242.400.6 NMAC - Rn, 8 NMAC 4.QDS.000.6, 9-15-13]

8.424.400.7 DEFINITIONS: [RESERVED]

8.242.400.8 [RESERVED]

8.242.400.9 QUALIFIED DISABLED WORKING INDIVIDUALS (QD) - CATEGORY 042:

A. To qualify as a qualified disabled working individual (QD), applicants/recipients must meet the following requirements:

- (1) lose entitlement to free medicare Part A due to substantial gainful employment;
- (2) continue to meet the social security administration disability criteria; and
- (3) be enrolled for premium Part A medicare.

B. The date of eligibility is based on the date of application and the date that all eligibility standards, including enrollment for medicare Part A, are met.

[2/1/95; 8.242.400.9 NMAC - Rn, 8 NMAC 4.QDS.400, 9-15-13]

8.242.400.10 GENERAL RECIPIENT REQUIREMENTS: [RESERVED]

[2/1/95; 8.242.400.10 NMAC - Rn, 8 NMAC 4.QDS.410, 9-15-13]

8.242.400.11 ENUMERATION: Applicants/recipients must furnish their social security account number(s) to the ISS. QD eligibility is denied to applicants/recipients who fail or refuse to furnish this number.

[2/1/95; 8.242.400.11 NMAC - Rn, 8 NMAC 4.QDS.411, 9-15-13]

8.242.400.12 CITIZENSHIP: Refer to medical assistance program manual sections 8.200.410.11 NMAC.

[2/1/95; 4/30/98; 8.242.400.12 NMAC - Rn, 8 NMAC 4.QDS.412, 9-15-13]

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8.242.400.13 RESIDENCE: To be eligible for QD, applicants/recipients must be physically present in New Mexico on the date of application or final determination of eligibility and must have demonstrated intent to remain in the state. A temporary absence from the state does not prevent eligibility. A temporary absence exists if the applicant/recipient leaves the state for a specific purpose with a time-limited goal, and intends to return to New Mexico when the purpose is accomplished.

[2/1/95; 8.242.400.13 NMAC - Rn, 8 NMAC 4.QDS.413, 9-15-13]

8.242.400.14 NONCONCURRENT RECEIPT OF ASSISTANCE: Applicant/recipients receiving medicaid through any other program or from another state are not eligible for coverage under category 042.

[2/1/95; 8.242.400.14 NMAC - Rn, 8 NMAC 4.QDS.414, 9-15-13]

8.242.400.15 SPECIAL RECIPIENT REQUIREMENTS: [RESERVED]

[2/1/95; 8.242.400.15 NMAC - Rn, 8 NMAC 4.QDS.420, 9-15-13]

8.242.400.16 AGE: An QD applicant must be under sixty-five (65) years of age. When an applicant/recipient reaches sixty-five (65) years of age, he/she becomes entitled to free medicare part A.

[2/1/95; 8.242.400.16 NMAC - Rn, 8 NMAC 4.QDS.421, 9-15-13]

8.242.400.17 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; 8.242.400.17 NMAC - Rn, 8 NMAC 4.QDS.430, 9-15-13]

8.242.400.18 ASSIGNMENT OF SUPPORT: Assignment of medical support rights is not a factor of eligibility for this category, since medicaid coverage is limited to medicare Part A premium.

[2/1/95; 8.242.400.18 NMAC - Rn, 8 NMAC 4.QDS.434, 9-15-13]

8.242.400.19 REPORTING REQUIREMENTS: Medicaid applicants/recipients must report any change in their circumstances which can affect eligibility within ten (10) days after the change to the local income support division (ISD) office.

[2/1/95; 8.242.400.19 NMAC - Rn, 8 NMAC 4.QDS.451, 9-15-13]

HISTORY OF 8.242.400 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center.

MAD Rule 842.00, Qualified Disabled Working Individuals, filed 10/11/90.

MAD Rule 842, Qualified Disabled Working Individuals, filed 6/30/92.

MAD Rule 842, Qualified Disabled Working Individuals, filed 9/26/94.

History of Repealed Material: MAD Rule 842, Qualified Disabled Working Individuals, filed 9/26/94 - Repealed effective 2/1/95.