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**MEDICAID ELIGIBILITY – QUALIFIED INDIVIDUALS
WHOSE INCOME EXCEEDS QMB AND SLIMB (CATEGORY 045)
RECIPIENT POLICIES**

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TITLE 8 SOCIAL SERVICES
CHAPTER 250 MEDICAID ELIGIBILITY - QUALIFIED INDIVIDUALS WHOSE INCOME EXCEEDS
QMB AND SLIMB (CATEGORY 045)
PART 400 RECIPIENT POLICIES

8.250.400.1 ISSUING AGENCY: New Mexico Human Services Department.
[4/30/98; 8.250.400.1 NMAC - Rn, 8 NMAC 4.QIS.000.1, 12/1/09]

8.250.400.2 SCOPE: The rule applies to the general public.
[4/30/98; 8.250.400.2 NMAC - Rn, 8 NMAC 4.QIS.000.2, 12/1/09]

8.250.400.3 STATUTORY AUTHORITY: New Mexico Statutes Annotated, 1978, (Chapter 27, Articles 1 and 2) authorizes the state to administer the medicaid program. Section 4732 of the 1997 Balanced Budget Act creates a separate group of eligible individuals, to be known as qualified individuals 1 (QI1s), with income between 120 percent and 135 percent of the federal poverty level. The benefit is limited to the payment of the monthly medicare part B insurance premium. Funding is available under 100 percent federal block grant money.
[4/30/98; 8.250.400.3 NMAC - Rn, 8 NMAC 4.QIS.000.3, 12/1/09]

8.250.400.4 DURATION: Permanent
[4/30/98; 8.250.400.4 NMAC - Rn, 8 NMAC 4.QIS.000.4, 12/1/09]

8.250.400.5 EFFECTIVE DATE: April 30, 1998, unless a later date is cited at the end of a section.
[4/30/98; 8.250.400.5 NMAC - Rn, 8 NMAC 4.QIS.000.5 & A, 12/1/09]

8.250.400.6 OBJECTIVE: The objective of the qualified individuals 1 (QI1s) eligibility is for New Mexico medicaid to provide the payment of the monthly medicare part B insurance premium for individuals with income between 120 percent and 135 percent of the federal poverty level and who are not otherwise receiving medicaid under any other category of eligibility. Individuals will be served on a first come, first served basis, contingent upon availability of federal funds. Eligibility will be offered to individuals on a yearly basis. After 1998, individuals currently enrolled in the program will get the first opportunity to continue to receive benefits under this program.
[4/30/98; 8.250.400.6 NMAC - Rn, 8 NMAC 4.QIS.000.6, 12/1/09]

8.250.400.7 DEFINITIONS: [RESERVED]

8.250.400.8 MISSION: To reduce the impact of poverty on people living in New Mexico and to assure low income and disabled individuals in New Mexico equal participation in the life of their communities.
[8.250.400.8 NMAC - N, 12/1/09]

8.250.400.9 QUALIFIED INDIVIDUALS 1 (QI1s) - CATEGORY 045: To be eligible for the qualified individual 1 program (Category 045), an applicant/recipient must be covered by medicare part A. The part A insurance is a free entitlement to social security beneficiaries who are 65 years of age or older or who have received social security disability payments for 24 months. Fully or currently insured workers, or their dependents, with end-stage renal disease are also covered under medicare.
[4/30/98; 8.250.400.9 NMAC - Rn, 8 NMAC 4.QIS.400 & A, 12/1/09]

8.250.400.10 BASIS FOR DEFINING THE GROUP: Qualified individual 1 (QI1s) are individuals who would be qualified medicare beneficiaries (QMB) but for the fact that their income exceeds the income levels established for QMB and SLIMB. Income eligibility for the QI-1s is at least 120 percent of the federal income poverty level, but less than 135 percent. The state will permit all individuals to apply for assistance during a calendar year beginning 1998. However, because of the capped allotments, states shall limit the number of participants in QI1s selected in a calendar year so that the aggregate amount of benefits provided to such individuals in the calendar year is estimated not to exceed the state's allocation for the fiscal year ending in that calendar year. States shall select QI1s on a first-come, first-served basis (in the order in which they apply). For calendar years after 1998, states shall give preference to individuals who were QI1s, QMBs, SLMBs, or QDWIs in the last month of the previous year and who continue to be or become QI1s.

[4/30/98; 8.250.400.10 NMAC - Rn, 8 NMAC 4.QIS.402, 12/1/09] [RESERVED]

8.250.400.11 GENERAL RECIPIENT REQUIREMENTS:

8.250.400.12 ENUMERATION: QI1 applicants/recipients must furnish their social security account number(s). QI1 eligibility must be denied or terminated for applicants/recipients who fail to furnish social security numbers.

[4/30/98; 8.250.400.12 NMAC - Rn, 8 NMAC 4.QIS.411, 12/1/09]

8.250.400.13 CITIZENSHIP:

A. Undocumented aliens cannot purchase medicare coverage and, therefore, are not eligible for QI1 benefits. To be eligible for QI1 an applicant/recipient must be one of the following:

(1) a citizen of the United States; or

(2) 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, *Citizenship*, 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. Verification of citizenship: Individuals entitled to or receiving medicare already meet citizenship and identity requirements.

[4/30/98; 8.250.400.13 NMAC - Rn, 8 NMAC 4.QIS.412 & A, 12/1/09]

8.250.400.14 RESIDENCE: An applicant/recipient must be physically present in New Mexico on the date of application or final determination of eligibility and have demonstrated intent to remain in the state. If the applicant/recipient does not have the present mental capacity to declare intent, the parent, guardian, or adult child can assume responsibility for a declaration of intent. If there is no guardian or relative to assume responsibility for a declaration of intent, the state where the applicant/recipient is living is recognized as the state of residence. A temporary absence from the state does not prevent eligibility. A temporary absence exists if an 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.

[4/30/98; 8.250.400.14 NMAC - Rn, 8 NMAC 4.QIS.413, 12/1/09]

8.250.400.15 NONCONCURRENT RECEIPT OF ASSISTANCE: QI1s cannot be otherwise eligible for medical assistance under any of the other categories of NM medicaid eligibility.

[4/30/98; 8.250.400.15 NMAC - Rn, 8 NMAC 4.QIS.414 & A, 12/1/09]

8.250.400.16 SPECIAL RECIPIENT REQUIREMENTS: Applicants/recipients for QI1 eligibility must meet the specified age or disability requirements to be eligible for medicare part A.

[4/30/98; 8.250.400.16 NMAC - Rn, 8 NMAC 4.QIS.420, 12/1/09]

8.250.400.17 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.

[4/30/98; 8.250.400.17 NMAC - Rn, 8 NMAC 4.QIS.430, 12/1/09]

8.250.400.18 [RESERVED]

[4/30/98; 8.250.400.18 NMAC - Rn, 8 NMAC 4.QIS.434, Repealed 12/1/09]

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

[4/30/98; 8.250.400.19 NMAC - Rn, 8 NMAC 4.QIS.451 & A, 12/1/09]

MAD-MR: 09-22

**MEDICAID ELIGIBILITY – QUALIFIED INDIVIDUALS
WHOSE INCOME EXCEEDS QMB AND SLIMB (CATEGORY 045)
RECIPIENT POLICIES**

EFF: 12-1-09

HISTORY OF 8.250.400 NMAC: [RESERVED]