



State of New Mexico  
Human Services Department  
**Human Services Register**



**I. DEPARTMENT**

NEW MEXICO HUMAN SERVICES DEPARTMENT (HSD)

**II. SUBJECT**

IMPLEMENTATION OF 2018 FEDERAL POVERTY  
GUIDELINES IN AFFECTED MEDICAID CATEGORIES/SSI AND SPOUSAL  
IMPOVERISHMENT STANDARDS

**III. PROGRAM AFFECTED**

(TITLE XIX) MEDICAID

**IV. ACTION**

PROPOSED RULES

**V. BACKGROUND SUMMARY**

The Human Services Department (the Department), through the Medical Assistance Division (MAD), is proposing to amend the New Mexico Administrative Code (NMAC) rule 8.200.520 *NMAC Medicaid Eligibility Income Standards* and 8.291.430 *NMAC Medicaid Eligibility Affordable Care* in order to implement the Department of Health and Human Services (HHS) updates to the Federal Poverty Level (FPL) income guidelines for the Medical Assistance Program categories of eligibility effective April 01, 2018. The SSI and Spousal Impoverishment standards are being updated due to the annual cost of living increase (COLA) that went into effect January 01, 2018. The Department is re-promulgating this section of the rule in full within six months of issuance of the emergency rule in accordance with the New Mexico State Rules Act.

Section 9-8-6 NMSA 1978, authorizes the Department Secretary to promulgate rules and regulations that may be necessary to carry out the duties of the Department and its divisions.

Notice Date: May 29, 2018

Hearing Date: June 28, 2018

Adoption Date: Proposed as September 1, 2018

Technical Citations: 42 USC Section 9902 (2), Federal SSI and Spousal Impoverishment Standards, and SSA COLA Fact Sheet

## **Summary of Revisions:**

### **8.200.520 NMAC**

Section 11 is amended to reflect current FPL mandates.

Section 12 is amended to reflect the cost of living increase.

Section 13 is amended to reflect the increase in the Federal Benefit Rate.

Section 15 is amended to reflect the increase in SSI living arrangement amounts.

Section 16 is amended to reflect the increase in the monthly income standard for Institutional Care and Home and Community Based Waiver Services categories.

Section 20 is amended to reflect the increase in the covered quarter income standard.

### **8.291.430 NMAC**

Section 10 is amended to reflect current FPL mandates.

## **VI. RULE**

These proposed rules will be contained in 8.200.520 NMAC and 8.291.430 NMAC. This register and the proposed rules are available on the HSD website at: <http://www.hsd.state.nm.us/2017-comment-period-open.aspx> and <http://www.hsd.state.nm.us/LookingForInformation/register.aspx>. If you do not have internet access, a copy of the proposed register and rule may be requested by contacting (505) 827-6252.

## **VII. EFFECTIVE DATE**

The Department proposes to implement this rule effective September 1, 2018.

## **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 June 28, 2018 from 9 a.m. to 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 the MAD in Santa Fe at (505) 827-6252. 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, NM 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](mailto:madrules@state.nm.us). Written mail, electronic mail and recorded comments must be received no later than 5 p.m. MDT on June 28, 2018. 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:



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BRENT EARNEST, SECRETARY  
HUMAN SERVICES DEPARTMENT