



State of New Mexico
Human Services Department
Human Services Register



I. DEPARTMENT

NEW MEXICO HUMAN SERVICES DEPARTMENT (HSD)

II. SUBJECT

8.231.400 NMAC, MEDICAID ELIGIBILITY – INFANTS OF MOTHERS WHO ARE MEDICAID ELIGIBLE (CATEGORY 031), RECIPIENT POLICIES

8.231.500 NMAC, MEDICAID ELIGIBILITY – INFANTS OF MOTHERS WHO ARE MEDICAID ELIGIBLE (CATEGORY 031), INCOME AND RESOURCES STANDARDS

8.231.600 NMAC, MEDICAID ELIGIBILITY – INFANTS OF MOTHERS WHO ARE MEDICAID ELIGIBLE (CATEGORY 031), BENEFIT DESCRIPTION

III. PROGRAM AFFECTED

(TITLE XIX) MEDICAID

IV. ACTION

PROPOSED RULE

V. BACKGROUND SUMMARY

The Human Services Department (the Department), through the Medical Assistance Division (MAD), is proposing to amend 8.231.400, 8.231.500, and 8.231.600 NMAC, *Medicaid Eligibility – Infants of Mothers Who Are Medicaid Eligible (Category 031)*. The Department's intent is to bring the rule into alignment with Centers for Medicare & Medicaid Services (CMS) regulations as approved by CMS, incorporate standardized rule language, and provide additional clarification for providers and recipients.

The Department proposes to amend the rule as follows:

8.231.400 NMAC

Section 9 – Minor wording changes were made to clarify this section.

Section 10 – The basis for defining the group was changed to incorporate language found at 42 CFR 435.117(a).

8.231.500 NMAC

Section 11 – New language was added to clarify that infants are eligible for newborn Medicaid when the labor and delivery is covered under the Emergency Medical Services for Undocumented Aliens program.

8.231.600 NMAC

Section 10 – Minor wording changes were made to clarify this section.

Section 13 – The retroactive benefit coverage section was changed to incorporate language found at 42 CFR 435.117(a).

Section 14 – Minor wording changes were made to clarify this section.

Section 15 – A new section was added regarding periodic redetermination of eligibility incorporating language found at 42 CFR 435.117(d).

VI. REGULATIONS

This proposed rule will be contained in 8.231.400 NMAC, 8231.500 NMAC, 8.231.600 NMAC.

The register and proposed rule language are available on the HSD website at:

<http://www.hsd.state.nm.us/LookingForInformation/registers.aspx> and

<http://www.hsd.state.nm.us/public-notices-proposed-rule-and-waiver-changes-and-opportunities-to-comment.aspx>. If you do not have internet access, a copy of the proposed register and rule may be requested by contacting MAD at 505-827-6252.

VII. EFFECTIVE DATE

The Department proposes to implement this rule effective August 1, 2016.

VIII. PUBLIC HEARING

A public hearing to receive testimony on this proposed rule will be held in Hearing Room 1, Toney Anaya Building, 2550 Cerrillos Road, Santa Fe, New Mexico May 16, 2016 from 10 a.m. to 11 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 MAD in Santa Fe at 505-827-6252. 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 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 or recorded comments to:

Human Services Department

Office of the Secretary

ATTN: Medical Assistance Division Public Comments

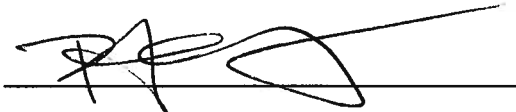
P.O. Box 2348

Santa Fe, New Mexico 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. Written mail, electronic mail and recorded comments must be received no later than 5 p.m. MDT on May 16, 2016. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing.

X. PUBLICATIONS

Publication of this rule approved by:

A handwritten signature in black ink, appearing to be 'Brent Earnest', written over a horizontal line.

BRENT EARNEST, SECRETARY
HUMAN SERVICES DEPARTMENT