



State of New Mexico
Human Services Department
Human Services Register



I. DEPARTMENT
NEW MEXICO HUMAN SERVICES DEPARTMENT (HSD)

II. SUBJECT
8.200.510 NMAC MEDICAID ELIGIBILITY-GENERAL RECIPIENT POLICIES
8.200.520 NMAC MEDICAID ELIGIBILITY-GENERAL RECIPIENT POLICIES

III. PROGRAM AFFECTED
(TITLE XIX) MEDICAID

IV. ACTION
EMERGENCY RULE

V. BACKGROUND SUMMARY

The Human Services Department (Department) has filed an emergency rule in order to adjust the Medical Assistance Program (MAP) categories of eligibility as per January 1, 2017 Federal Updates. A current recipient or a new applicant's eligibility for a MAP category of eligibility may be affected based on updated guidelines. A Notice of Rulemaking has been filed for 8.200.510 and 8.200.520 NMAC which the Department is formally promulgating. The Department will hold a public hearing on these rules March 30, 2017. If no changes occur, this rule will remain in place.

Highlights:

- Section 11 of 8.200.510 NMAC *Medicaid Eligibility General Recipient Policies* is amended to reflect the increase of the CSRA.
- Section 13 of 8.200.510 NMAC *Medicaid Eligibility General Recipient Policies* is adjusted to conform to the average monthly cost of nursing facilities in the transfer of asset provisions.
- Section 15 of 8.200.510 NMAC *Medicaid Eligibility General Recipient Policies* is amended to reflect current CPI mandates.
- Section 12 of 8.200.520 NMAC *Medicaid Eligibility General Recipient Policies* is amended to reflect the increase in the Cost of Living Allowance.
- Section 13 of 8.200.520 NMAC *Medicaid Eligibility General Recipient Policies* is amended to reflect the FBR amounts for 2017.

- Section 13 B of 8.200.520 NMAC *Medicaid Eligibility General Recipient Policies* is amended to reflect the Part B premium for 2017.
- Section 20 of 8.200.520 NMAC *Medicaid Eligibility General Recipient Policies* is amended to reflect the covered quarter income standard for 2017.

VI. EMERGENCY RULES

These amendments will be contained in 8.200.510 NMAC and 8.200.520 NMAC. The emergency register and rule languages 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>.

The amended NMAC rules are available at:
<http://www.hsd.state.nm.us/LookingForInformation/medical-assistance-division-1.aspx>.

If you do not have internet access, a copy of the final register and rules may be requested by contacting MAD at 505-827-6252.

VII. EFFECTIVE DATE

The Department will implement these rules effective January 1, 2017.

VIII. PUBLIC HEARING

A public hearing to receive testimony on these rules will be held in Hearing Room 1, Toney Anaya Building, 2550 Cerrillos Road, Santa Fe, New Mexico, 87505 on Thursday, March 30, 2017 at 1:00 p.m., Mountain Standard Time (MST).

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 505-827-3156. The Department's TDD system may be accessed toll-free at 1-800-659-8331 or in Santa Fe by calling 505-827-3184. 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. MST on Thursday, March 30, 2017. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing.

X. PUBLICATIONS

Publication of these rules approved by:

A handwritten signature in black ink, appearing to read "Brent Earnest", is written over a solid horizontal line.

**BRENT EARNEST, SECRETARY
HUMAN SERVICES DEPARTMENT**