

NMAC Transmittal Form



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Volume: Issue: Publication date: Number of pages: (ALD Use Only) Sequence No.

Issuing agency name and address: Agency DFA code:

Contact person's name: Phone number: E-mail address:

Type of rule action: New Amendment Repeal Emergency Renumber (ALD Use Only) Most recent filing date:

Title number: Title name:

Chapter number: Chapter name:

Part number: Part name:

Amendment description (If filing an amendment): Amendment's NMAC citation (If filing an amendment):

Are there any materials incorporated by reference? Yes No Please list attachments or Internet sites if applicable.

If materials are attached, has copyright permission been received? Yes No Public domain

Concise Explanatory Statement For Rulemaking Adoption:

Specific statutory or other authority authorizing rulemaking:

Notice date(s): Hearing date(s): Rule adoption date: Rule effective date:

Findings required for rulemaking adoption:
Findings MUST include:
- Reasons for adopting rule, including any findings otherwise required by law of the agency, and a summary of any independent analysis done by the agency;
- Reasons for any change between the published proposed rule and the final rule; and
- Reasons for not accepting substantive arguments made through public comment.

This rule is being repealed/replaced due to the amount of changes and for cost efficiency. The Department amended this rule to remove outdated language and to update and clarify definitions. The Department also updated outdated language regarding the AIDS and Brain Injury Waivers to clarify that these waivers are sunset and individuals on these waivers are grandfathered in and remain eligible as long as eligibility requirements are met.

Findings required for rulemaking adoption:

continued



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Language was added regarding the Community Benefit for elderly, blind, and disabled Medicaid categories who meet nursing facility level of care.

Outdated language was deleted regarding the Coordination of Long-Term Services (CoLTS) waiver, which has not existed for several years. Language was added to clarify that a disability or blindness determination can be determined by the Social Security Administration (SSA). Section 10 was further amended to expand who is characterized as a Medically Fragile individual.

Language was also amended to clarify that the AIDS and AIDS-related condition waiver ceased covering new individuals effective January 1, 2014, since the waiver was sunset and not renewed. Individuals already on the AIDS and AIDS-related condition waiver are grandfathered in and remain covered as long as eligibility requirements are met. Language was added to clarify that the Brain Injury (BI) category also stopped covering new individuals effective January 1, 2014. Those already on the BI waiver were grandfathered in and remain covered as long as eligibility requirements are met.

The Department deleted language requiring the Individual Service Plan (ISP) to be in effect for 30 days for an application to be approved. New proposed language regarding approval of waiver applications is contained at 8.290.600 NMAC..

Language was also added regarding the requirement to meet all non-financial eligibility criteria, which includes any mandatory income or resources deemed to a minor child.

This rule was also amended to increase the number of consecutive days in which a waiver recipient can be out of waiver services before eligibility is closed. The increase from 60 consecutive days to 90 consecutive days will allow for equity among all waiver recipients, specifically for recipients receiving services under New Mexico's 1115 Centennial Care Medicaid Demonstration Waiver.

Issuing authority (If delegated, authority letter must be on file with ALD):

Name:

Brent Earnest

Check if authority has been delegated

Title:

Secretary

Signature: (BLACK ink only)

Date signed:

12/10/18