



State of New Mexico
Human Services Department
Human Services Register



I. DEPARTMENT
HUMAN SERVICES DEPARTMENT

II. SUBJECT
8.200.410 GENERAL RECIPIENT RULES-GENERAL RECIPIENT REQUIREMENTS

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 the New Mexico Administrative Code (NMAC) rule 8.200.410, *Medicaid Eligibility-General Recipient Rules – General Recipient Requirements*.

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 14, 2019

Hearing Date: June 14, 2019

Adoption Date: Proposed as August 01, 2019

Technical Citations: HB371 and State Buy-In Agreement

The Department is updating eligibility rules as mandated by state legislation contained in House Bill (HB) 371. HB371 states, “The Department shall provide for the automatic enrollment into Medicare Part B coverage individuals whom it deems eligible for participating in the Qualified Medicare Beneficiary (QMB) program and who are not enrolled in Medicare Part B coverage. The Department shall promulgate rules to provide for informing in writing, applicants for and recipients of QMB coverage that if they are enrolled in the QMB program and, at the time of enrollment they are not enrolled in Medicare Part B, they are eligible for automatic enrollment in Medicare Part B coverage, regardless of whether general or open enrollment of Medicare Part B beneficiaries is allowed under federal law at the time a QMB recipient enrolls in the QMB program.”

The Department through this rule promulgation is implementing the automatic enrollment into Medicare Part B provision in HB371. However, rather than limit automatic enrollment to QMB, the Department will automatically enroll into Medicare Part B individuals on most Medicaid categories of eligibility with the exception of categories that we do not currently enroll into Part B as listed in the rule.

The Department is proposing to amend the rule as follows:

8.200.410 NMAC

A new section 18 is added to 8.200.410 NMAC that states that HSD will automatically enroll into Medicare Part B most full Medicaid coverage or Medicare Savings Program (MSP) categories of eligibility with some exceptions. To be eligible for automatic Part B enrollment in addition to active Medicaid eligibility an individual must be receiving Medicare Part A and eligible for and not enrolled in Part B. HSD informs applicants and recipients in writing who may be eligible for automatic enrollment into Medicare Part B.

VI. RULE

This proposed rule amendment will be contained in 8.200.410 NMAC. This register and the proposed rule are available on the HSD website at: <http://www.hsd.state.nm.us/LookingForInformation/registers.aspx> and <http://www.hsd.state.nm.us/2017-comment-period-open.aspx>. If you do not have internet access, a copy of the proposed register and rule may be requested by contacting MAD at (505) 827-1337.

VII. EFFECTIVE DATE

The Department proposes to implement this rule effective August 01, 2019.

VIII. PUBLIC HEARING

A public hearing to receive testimony on this proposed rule will be held in Hearing Room 2, Toney Anaya Building, 2550 Cerrillos Road, Santa Fe, New Mexico on June 14, 2019 at 11:00 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) 827-1337. 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, 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 5:00 p.m. MDT on June 14, 2019. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing. All written comments received will be posted as they are received on the HSD website at <http://www.hsd.state.nm.us/2017-comment-period-open.aspx> along with the applicable register and rules. The public posting will include the name and any contact information provided by the commenter.

X. PUBLICATION

Publication of this rule approved by:



DAVID R. SCRASE, M.D., SECRETARY
HUMAN SERVICES DEPARTMENT