



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



**I. DEPARTMENT  
HUMAN SERVICES DEPARTMENT**

**II. SUBJECT**

8.215.500 NMAC, Supplemental Security Income Methodology, Income and Resource Standards

8.240.500 NMAC, Qualified Medicare Beneficiaries, Income and Resource Standards

8.242.500 NMAC, Qualified Disabled Individuals Whose Income Exceeds QMB and SLIMB, Income and Resource Standards

8.245.500 NMAC, Specified Low Income Medicare Beneficiaries, Income and Resource Standards

8.250.500 NMAC, Qualified Disabled Individuals, Income and Resource 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) *8.215.500 NMAC-Supplemental Security Income Methodology, Income and Resource Standards; 8.240.500 NMAC-Qualified Medicare Beneficiaries, Income and Resource Standards; 8.242.500 NMAC-Qualified Disabled Individuals Whose Income Exceeds QMB and SLIMB, Income and Resource Standards; 8.245.500 NMAC-Specified Low Income Medicare Beneficiaries, Income and Resource Standards; 8.250.500 NMAC-Qualified Disabled Individuals, Income and Resource Standards.*

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: August 11, 2020

Hearing Date: September 25, 2020

Adoption Date: Proposed as January 1, 2021

Technical Citations: Social Security Act Section 1905(p) and 1905(s)

The Department through these rules is proposing to eliminate the resource requirement for the following Medicare Savings Programs (MSPs): Qualified Medicare Beneficiaries (QMB), Specified Low Income Medicare Beneficiaries (SLIMB), Qualified Disabled Working Individuals (QDWI), and Qualified Individuals 1 (QI1). The Department is eliminating the resource requirement to help more low-income individuals access assistance through the MSPs and to minimize the administrative burden for MSP applicants, beneficiaries, and the Income Support Division.

**The Department is proposing to amend the rule as follows:**

**8.215.500 NMAC**

Section 8 is amended to add the Departments new mission statement.

Section 9 is amended to delete the reference to the MSP categories using Supplemental Security Income (SSI) methodology in determining countable resources.

Section 12 is amended to delete the language referencing the resource standards for MSP categories.

**8.240.500 NMAC**

Section 8 is amended to add the Departments new mission statement.

Section 9 is amended to remove the reference to resources and delete outdated language.

Section 10 is amended to remove the resource requirement for the QMB category.

Section 11 referencing resource transfer language is deleted.

Sections 12, 13, 14, and 15 are renumbered to 11, 12, 13, and 14, respectively.

Section 12 is amended to delete the language referencing the countable resources and resource exclusions.

**8.242.500 NMAC**

Section 8 is amended to add the Departments new mission statement.

Section 9 is amended to remove the reference to resources and add income.

Section 10 is amended to remove the resource requirement for the QDWI category.

Section 11 referencing resource transfer language is deleted.

Sections 12, 13, and 14 are renumbered to 11, 12, and 13, respectively.

**8.245.500 NMAC**

Section 8 is amended to add the Departments new mission statement.

Section 9 is amended to remove the reference to resources and add income.

Section 10 is amended to remove the resource requirement for the SLIMB category.

Section 11 referencing resource transfer language is deleted.

Sections 12, 13, 14, and 15 are renumbered to 11, 12, 13, and 14, respectively.

### **8.250.500 NMAC**

Section 8 is amended to add the Departments new mission statement.

Section 10 is amended to remove the reference to resources and add income.

Section 11 is amended to remove the resource requirement for the QII category.

Section 12 referencing resource transfer language is deleted.

Sections 13, 14, 15, and 16 are renumbered to 12, 13, 14, and 15, respectively.

The Department has also submitted a request to the State Records and Archives Center to change the Chapter names for 8.242 NMAC and 8.250 NMAC. The purpose of these Chapter name changes is to accurately reflect the information in those NMAC Chapters.

## **VI. RULE**

These proposed rule amendments will be contained in 8.215.500, 8.240.500, 8.242.500, 8.245.500, and 8.250.500 NMAC. This register and the proposed rules 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 January 1, 2021.

## **VIII. PUBLIC HEARING**

A public hearing will be held **via conference call** on September 25, 2020 at 1:00 p.m., Mountain Time (MT). **Conference phone number: 1-800-747-5150. Access Code: 2284263.**

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](mailto:madrules@state.nm.us). Written mail, electronic mail and recorded comments must be received no later than 5:00 p.m. MT on September 25, 2020. 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 rule. The public posting will include the name and any contact information provided by the commenter.

## X. PUBLICATION

Publication of these rules approved by:

DocuSigned by:  
  
9DBE7D7D1B53422...  
\_\_\_\_\_  
DAVID R. SCRASE, M.D., SECRETARY  
HUMAN SERVICES DEPARTMENT