



STATE OF NEW MEXICO
HUMAN SERVICES DEPARTMENT
HUMAN SERVICES REGISTER

I. DEPARTMENT

HUMAN SERVICES DEPARTMENT

II. SUBJECT

NEW MEXICO EXTRA HELP SNAP

III. PROGRAMS AFFECTED

FOOD STAMP PROGRAM

IV. ACTION

FINAL REGULATION

V. BACKGROUND

The New Mexico Human Services Register Volume 34, Number 14, proposed a new rule to increase participation in the Food Stamp Program among beneficiaries of the Medicare drug benefit's Extra Help (also called Low Income Subsidy or LIS) by using the State Medicaid agency data from the Medicare Savings Programs (MSP) determination. This will be accomplished through New Mexico's participation in a pilot project focusing on elderly and disabled individuals and couples that qualify for MSP, who do not have earned income and live in the Northeast region of the state.

A 30-day comment period was allowed and the Department held a public hearing on May 31, 2011. There were no attendees and five written comments were submitted.

One comment suggested that a reference citation be added to 8.139.504.8 A (4) for defining separate household status. This change was incorporated into the final rule.

Two other comments suggested that 8.139.504.8 A (7) have the first part of the citation deleted and that 8.139.504.8 A (8) be deleted all together as the language was extraneous. These changes were made to the final rule

Another comment suggested adding receipt of earned income to actions on reported changes. This change was incorporated to the final rule at 8.139.504.10 D as number 5.

A comment suggested simplifying the opt out language at 8.139.504.9 . This change was made to the final rule.

Final changes were made to 8.139.504.11 B, adjusting the benefit levels for one and two person households to best reflect updated cost neutrality calculations.

VI. FINAL REGULATION

TITLE 8 SOCIAL SERVICES
CHAPTER 139 FOOD STAMP PROGRAM
PART 504 NEW MEXICO EXTRA HELP SNAP

8.139.504.1 ISSUING AGENCY: New Mexico Human Services Department
[8.139.504.1 NMAC - N, 08/01/2011]

8.139.504.2 SCOPE: General public
[8.139.504.2 NMAC - N, 08/01/2011]

8.139.504.3 STATUTORY AUTHORITY: The food stamp program is authorized by the Food Stamp Act of 1977 as amended (7 U.S.C. 2011 et. seq.). Regulations issued pursuant to the act are contained in 7 CFR Parts 270-282. State authority for administering the food stamp program is contained in Chapter 27 NMSA, 1978. Administration of the human services department (HSD), including its authority to promulgate regulations, is governed by Chapter 9, Article 8, NMSA 1978 (Repl. 1983).
[8.139.504.3 NMAC - N, 08/01/2011]

8.139.504.4 DURATION: Permanent
[8.139.504.4 NMAC - N, 08/01/2011]

8.139.504.5 EFFECTIVE DATE: August 1, 2011, unless a later date is cited at the end of a section.
[8.139.504.5 NMAC - N, 08/01/2011]

8.139.504.6 OBJECTIVE: The objective of New Mexico Extra Help SNAP (NM Extra Help SNAP) is to increase access to the nutrition benefits offered by the food stamp program among elderly and disabled populations receiving assistance through the medicare saving program (MSP) through medicaid. The NM Extra Help SNAP will increase the ability to purchase food and meet dietary needs. The NM Extra Help SNAP is authorized by a grant funded by the food and nutrition services (FNS).
[8.139.504.6 NMAC - N, 08/01/2011]

8.139.504.7 DEFINITIONS: [RESERVED]

8.139.504.8 PROGRAM ELIGIBILITY

A. An applicant can opt to receive NM Extra Help SNAP benefits if the applicant:

- (1) receives benefits through a MSP; and
- (2) is 22 years of age or older; and
- (3) resides in a NM Extra Help pilot county; and
- (4) is eligible for separate household status as defined at Subsection A of 8.139.400.9 NMAC; or
- (5) lives with a spouse who also receives MSP benefits; or
- (6) is living with others but buys and cooks food separately from others; and
- (7) the household has no earned income.

B. Verification of information: All information received by the department from the centers for medicaid and medicare (CMS) data interface will be deemed as true and accurate for purposes of initial verification.
[8.139.504.8 NMAC - N, 08/01/2011]

8.139.504.9 APPLICATION PROCESS

A. Opt in/out: An applicant can opt out of NM Extra Help SNAP at any time. To be considered for regular SNAP benefits, the applicant must apply through the regular SNAP application process as defined at 8.139.110 NMAC.

B. Application requirements: The application at minimum will contain:

- (1) the applicants name and address;
- (2) receipt of income and amount;
- (3) amount of applicable deductions, such as shelter and medical; and
- (4) must be signed by the applicant or authorized representative.

C. Application filing: Potential NM Extra Help SNAP recipients will receive applications from the department based on interface data supplied by CMS.

D. Processing standards: Applications are processed by the department and notice of disposition is sent to the applicant.

(1) **Standard processing:** An application shall be processed as soon as possible and the applicant afforded an opportunity to participate no later than 30 days from the date of application.

(2) **Expedited processing:** In the month of application NM Extra Help SNAP applicants shall be considered as standard food stamp program applicants and may qualify for expedited service in accordance with 8.139.110.16 NMAC.

E. Authorized representatives: The head of the household or the spouse may designate an individual who is a non-household member to act on its behalf in applying, obtaining or using food stamp benefits.

(1) The caseworker shall obtain a copy of the household's written authorization for the authorized representative and maintain it in the household's case record. No limit shall be placed on the number of households an authorized representative may represent.

(2) Even if the household member is able to make an application and obtain benefits, the household should be encouraged to name an authorized representative to use the food stamp benefits in case illness or other circumstances prevent household members from using the benefits themselves.

(3) The authorized representative's identity shall be verified and a copy of the document maintained in the household's case file.

[8.139.504.9 NMAC - N, 08/01/2011]

8.139.504.10 CASE MANAGEMENT

A. Interviews: NM Extra Help SNAP applicants are not required to see an ISD caseworker or be otherwise subjected to an interview, although additional information or verification may be requested.

B. Certification periods: Eligible households shall be assigned to a 36-month certification period, and with no interim contact.

C. Reporting requirements: NM Extra Help SNAP recipients are subject only to the reporting standards of MSP and all data sent to the department monthly. All information received by the department from the CMS data interface will be deemed as true and accurate for reported changes.

D. Actions on reported changes: Within 10 days of receipt the department shall act on the following changes:

- (1) death of a household member;
- (2) loss of MSP eligibility;
- (3) changes in state residency;
- (4) a member of the household's institutional status has changed; or
- (5) receipt of earned income.

E. Recertification: NM Extra Help SNAP recipients shall not be subject to an interview to review eligibility at the end of the 36-month certification period. Recipients shall receive notice of expiration and recertification prior to closure. Continued eligibility will be evaluated based on the submission of a completed application. Participants that do not reapply by the end of certification period will be subject to case closure. Standards for timely submission of the recertification application will be in accordance with at 8.139.120.8 NMAC. [8.139.504.10 NMAC - N, 08/01/2011]

8.139.504.11 BENEFIT DELIVERY

A. Benefit issuance: NM Extra Help SNAP benefits shall be issued through a direct deposit into a household's electronic benefit transfer (EBT) food stamp account. EBT cards are issued and EBT accounts maintained as defined at 8.139.610 NMAC. A participating household has a definite issuance date so that food stamp benefits are received on or about the same time each month. The issuance date is based on the last two digits

of the social security number of the individual to whom the food stamps are issued. Benefits for the month of application shall not be prorated.

B. Benefit calculation: Benefits are issued based on countable gross income and total combined shelter costs. Benefit amounts shall be subject to review and adjustment in coordination with the regular food stamp program and cost neutrality and may be adjusted each January. Monthly NM Extra Help SNAP benefit amounts are based on the following.

(1) Benefits for a two person household:

(a) The monthly benefit amount for a two person household with any amount of monthly shelter expense and a gross monthly income of less than \$800.00 is \$300.00.

(b) The monthly benefit amount for a two person household with any amount of income and a monthly shelter expense of \$800.00 or more is \$300.00

(c) The monthly benefit amount for a two person household with a gross monthly income of \$800.00 or more and monthly shelter expenses between \$700.00 and \$799.00 is \$180.00.

(d) The monthly benefit amount for a two person household with a gross monthly income of \$800.00 or more and a monthly shelter expense between \$600.00 and \$699.00 is \$96.00.

(e) The monthly benefit amount for a two person household with a gross monthly income of \$800.00 or more and monthly shelter expenses less than \$600.00 is \$46.00.

(2) Benefits for a one person household:

(a) The monthly benefit amount for a one person household with any amount of monthly shelter expense and a gross monthly income of less than \$500.00 is \$180.00.

(b) The monthly benefit amount for a one person household with any amount of income and a monthly shelter expense of \$700.00 or more is \$180.00.

(c) The monthly benefit amount for a one person household with a gross monthly income of \$500.00 or more and monthly shelter expenses between \$600.00 and \$699.00 is \$96.00.

(d) The monthly benefit amount for a one person household with a gross monthly income of \$500.00 or more and monthly shelter expenses less than \$600.00 is \$46.00.

C. Benefit correction: Benefit corrections shall be determined and adjusted as defined at 8.139.640 NMAC.
[8.139.504.11 NMAC - N, 08/01/2011]

8.139.504.12 OVERPAYMENT AND RECOUPMENT

A. Overpayment: A household that has received NM Extra Help SNAP benefits and has been determined ineligible or does not qualify for some or all of the NM Extra Help SNAP benefit shall have a claim established against the household for the NM Extra Help SNAP benefit amount in accordance with 8.139.640 NMAC.

B. Recoupment:

(1) The household shall be required to repay any amount of the NM Extra Help SNAP benefit due to an established claim or overpayment of the NM Extra Help SNAP benefit.

(2) The household shall remain subject to claim establishment and recoupment for the NM Extra Help SNAP benefit in accordance with 8.139.640 NMAC.

[8.139.504.12 NMAC – N, 08/01/2011]

History of 8.139.504 NMAC: [Reserved]

This register and final regulations are available on the Human Services Department website at <http://www.hsd.state.nm.us/isd/ISDRegisters.html>. If you do not have Internet access, a copy of the proposed regulations may be requested by contacting Income Support Division Policy and Program Development Bureau at 827-1326.

VII. EFFECTIVE DATE

August 1, 2011

VIII. PUBLICATION

Publication of these rules approved on 7/15/11 by:

 for

SIDONIE SQUIER, SECRETARY
HUMAN SERVICES DEPARTMENT