

**NOTICE OF RULEMAKING**

The Human Services Department (the Department), Medical Assistance Division (MAD), is amending the following rule that is part of the New Mexico Administrative Code (NMAC): 8.200.410, 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.

The register for these proposed amendments to this rule will be available May 10, 2019 on the HSD website at <http://www.hsd.state.nm.us/LookingForInformation/registers.aspx> or at <http://www.hsd.state.nm.us/2017-comment-period-open.aspx>. If you do not have Internet access, a copy of the register and proposed rule may be requested by contacting MAD in Santa Fe at 505-827-1337.

The Department proposes to implement these rules effective August 1, 2019. A public hearing to receive testimony on this rule will be held in Hearing Room 2, Toney Anaya Building, 2550 Cerrillos Road, Santa Fe, New Mexico, 87505 on Friday, June 14, 2019 at 11:00 a.m., Mountain Daylight Time (MDT).

Interested parties may submit written comments directly 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 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

rule. The public posting will include the name and any contact information provided by the commenter.

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 505-827-1337. The Department requests at least ten (10) days advance notice to provide requested alternative formats and special accommodations.

Copies of all comments will be made available by the 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.