

NOTICE OF RULEMAKING

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 25, 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 reduce 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Section 9 is amended to remove the reference to resources and delete outdated language.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 QI1 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.

The register for these proposed amendments to these rules will be available August 25, 2020 on the HSD web site 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 proposed rules may be requested by contacting MAD in Santa Fe at 505-827-1337.

The Department proposes to implement these rules effective January 1, 2021. 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.**

Interested parties may submit written comments directly to: Human Services Department, Office of the Secretary, ATT: 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. 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.

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.