

This is an amendment to 8.234.400 NMAC, Sections 8, 9, 15 and 19, effective 1/1/2022.

8.234.400.8 MISSION: ~~[To reduce the impact of poverty on people living in New Mexico by providing support services that help families break the cycle of dependency on public assistance.]~~ To transform lives. Working with our partners we design and deliver innovative, high quality health and human services that improve the security and promote independence for New Mexicans in their communities.
[8.200.400.8 NMAC - N, 1/1/2014; A, 1/1/2022]

8.234.400.9 MEDICAID ELIGIBILITY FOR INDIVIDUALS INELIGIBLE FOR SSI DUE TO DEEMED INCOME OR RESOURCES FROM ~~[AN ALIEN]~~ A NON-CITIZEN SPONSOR - CATEGORY 034:

- A.** An individual must meet specific eligibility requirements. These include:
- (1) an individual meets the social security administration (SSA) definitions of aged, blind, or disabled and is ineligible for supplemental security income (SSI) solely because of deemed income or resource considered available from ~~[an alien]~~ a non-citizen sponsor;
 - (2) an individual who meets the eligibility requirements pursuant to 8.200.410 NMAC and 8.200.420 NMAC for citizenship or ~~[alien]~~ non-citizen status, enumeration, residence; non-concurrent receipt of assistance, and applications for other benefits;
 - (3) an applicant or recipient must assign medical support rights to HSD and agree to cooperate with third party liability responsibilities pursuant to 8.200.430 NMAC; and
 - (4) appropriate to the budget group size, countable income must be less than the SSI federal benefit rate (FBR) income pursuant to 8.200.520 NMAC, 8.215 NMAC and 8.234.500 NMAC.
- B.** Individuals may have other creditable health insurance coverage.
- C.** An individual who is an inmate of a public institution is not eligible pursuant to 8.200.410 NMAC.
[8.234.400.9 NMAC - Rp, 8.234.400.9 NMAC, 1/1/2014; A, 1/1/2022]

8.234.400.15 SSI STATUS:

- A.** An applicant or re-determining recipient for Category 034 must meet all other SSI eligibility standards, including:
- (1) applicant or re-determining recipient's own income and resources must be below SSI standards;
 - (2) nonconcurrent receipt of assistance;
 - (3) residence;
 - (4) aged, blind, or disabled status; and
 - (5) citizenship or permanent ~~[alien]~~ non-citizen status.
- B.** See 8.215.500.11 NMAC and 8.215.500.18 NMAC for information on SSI income and resource standards.
[8.234.400.15 NMAC - Rp, 8.234.400.15 NMAC, 1/1/2014; A, 1/1/2022]

8.234.400.19 BUDGET GROUP: The budget group includes all members of the assistance unit. Additional budget group members include individuals who live in the household with the assistance unit and have a financial obligation of support.

- A.** Except for an SSI recipient, the following individuals have a financial obligation of support for medicaid eligibility:
- (1) spouses: married individuals as defined under applicable New Mexico state law (New Mexico recognizes common law and same sex marriages established in other states); and
 - (2) parents for children: there is a presumption that a child born to a married woman is the child of the spouse, or if the individual established parentage by some other legally recognized process.
- B.** The following individuals do not have a financial obligation of support for medicaid eligibility:
- (1) an SSI recipient to the assistance unit;
 - (2) a father of the unborn child who is not married to the pregnant woman;
 - (3) a stepparent to a stepchild;
 - (4) a grandparent to a grandchild;

- (5) a legal guardian or conservator of a child;
- (6) ~~[an alien]~~ a non-citizen sponsor to the assistance unit; and
- (7) a sibling to a sibling.

[8.234.400.19 NMAC - N, 1/1/2014; A, 1/1/2022]