

This is an amendment to 8.243.400 NMAC, Sections 8, 12, 13, 14, 18 and 19, effective 1/1/2022.

8.243.400.8 ~~[RESERVED]~~ **MISSION:** 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.

[8.243.400.8 NMAC - Rp, 8.243.400.8 NMAC, 1/1/2019; A, 1/1/2022]

8.243.400.12 **ENUMERATION:** To be eligible an individual must report ~~[his/her]~~ their social security account number(s) to the human services department (HSD). If an individual does not have a valid social security number, ~~[he/she]~~ the individual must apply for one as a condition of medicaid eligibility. Applications for social security numbers can be made by completing an application form, and providing proof of application to local Income support division (ISD) offices.

[8.243.400.12 NMAC - Rp, 8.243.400.12 NMAC, 1/1/2019; A, 1/1/2022]

8.243.400.13 **CITIZENSHIP:** To be eligible for medicaid, an individual must be:

A. a citizen of the United States; or

B. ~~[an alien]~~ a non-citizen who entered the United States prior to August 22, 1996, as one of the classes of ~~[aliens]~~ non-citizens described in Subsection A of 8.200.410.11 NMAC, or ~~[an alien]~~ a non-citizen who entered the United States as a qualified ~~[alien]~~ non-citizen on or after August 22, 1996, and who has met the five-year bar, or are exempt as listed in Subsection B of 8.200.410.11 NMAC.

C. Refer to 8.200.410.11 NMAC.

[8.243.400.13 NMAC - Rp, 8.243.400.13 NMAC, 1/1/2019; A, 1/1/2022]

8.243.400.14 **RESIDENCE:** To be eligible for medicaid, individuals must be living in New Mexico on the date of application or final determination of eligibility and have demonstrated intent to remain in the state.

A. Establishing residence: Residence in New Mexico is established by living in the state and carrying out the types of activities normally indicating residency, such as occupying a home, enrolling child(ren) in school, getting a state driver's license, or renting a post office box. An individual who is homeless is considered to have met the residence requirements if ~~[he/she]~~ the individual intends to remain in the state.

B. Recipients receiving benefits out-of-state: Individuals who receive medical assistance in another state are considered residents of that state until the ISD staff receives verification from the other state agency indicating that it has been notified by an individual of the abandonment of residence in that state.

C. Abandonment: Residence is not abandoned by temporary absences. Temporary absences occur when recipients leave New Mexico for specific purposes with time-limited goals. Residence is considered abandoned when any of the following occurs:

(1) the individual leaves New Mexico and indicates that ~~[he/she]~~ they intend to establish residence in another state;

(2) the individual leaves New Mexico for no specific purpose with no clear intention of returning;

(3) the individual leaves New Mexico and applies for financial, food or medical assistance in another state.

[8.243.400.14 NMAC - Rp, 8.243.400.14 NMAC, 1/1/2019; A, 1/1/2022]

8.243.400.18 **RECIPIENT RIGHTS AND RESPONSIBILITIES:** The individual is responsible for establishing ~~[his/her]~~ their eligibility for medicaid. As part of this responsibility, the individual must provide required information and documents or take the actions necessary to establish eligibility. Failure to do so must result in a decision that eligibility does not exist. The individual must also grant the human services department (HSD) permission to contact other persons, agencies or sources of information which are necessary to establish eligibility.

[8.243.400.18 NMAC - Rp, 8.243.400.18 NMAC, 1/1/2019; A, 1/1/2022]

8.243.400.19 **ASSIGNMENT OF MEDICAL SUPPORT:** The individual must assign ~~[his/her]~~ their right to medical support or other third party payments to the state.

- A.** Assignment of medical support rights occurs through the application for medicaid benefits.
- B.** Medicaid is not denied to an otherwise eligible individual solely because ~~he/she~~ they cannot legally assign ~~his/her~~ their own medical support rights and the party who is legally able to assign those rights refuses to assign or cooperate, as required by law.
- [8.243.400.19 NMAC - Rp, 8.243.400.19 NMAC, 1/1/2019; A, 1/1/2022]