

AMENDED 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) rules: 8.200.510 NMAC Medicaid Eligibility- General Recipient Policies, Resource Standards, 8.200.520 NMAC, Medicaid Eligibility- General Recipient Rules, Income Standards and 8.291.430 NMAC, Medicaid Eligibility- Affordable Care, Financial Responsibility Requirements in order to implement the Department of Health and Human Services (HHS) updates to the Federal Poverty Level (FPL) income guidelines for the Medical Assistance Program (MAP) categories of eligibility effective April 01, 2021. The Supplemental Security Income (SSI) and Spousal Impoverishment Standards are being updated effective July 01, 2020 along with the annual cost of living allowance (COLA) increase that went into effect January 01, 2021. The Department is re-promulgating these sections of the rules in full within six months of issuance of the emergency rule in accordance with the New Mexico State Rules Act.

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: April 20, 2021

Hearing Date: May 20, 2021

Adoption Date: SSI and Spousal Impoverishment Standards proposed and filed as July 01, 2020, COLA proposed and filed as January 01, 2021. FPL proposed and filed as April 01, 2021.

Technical Citations: HHS 2021 FPL Guidelines, Federal SSI and Spousal Impoverishment Standards, and SSA COLA Fact Sheet

The Department is proposing to amend the rule as follows:

8.200.510 NMAC Section 11 is amended to reflect the current COLA for Community Spouse Resource Allowance. Section 12 is amended to reflect the current COLA for Post-Eligibility Calculation (Medical Care Credit). Section 13 is amended to reflect the current COLA for Average Monthly Cost of Nursing Facilities for Private Patients.

Section 14 is deleted to remove the resource amounts for the Medicare Savings Program to be consistent with separate rule changes that went into effect January 01, 2021.

Section 15 is changed to section 14 and is amended to reflect the COLA for current Excess Home Equity Amount for Long-Term Care Services.

8.200.520 NMAC

Section 11 is amended to reflect FPL mandates.

Section 12 is amended to reflect the cost of living increase.

Section 13 is amended to reflect the increase in the Federal Benefit Rate.

Section 15 is amended to reflect the increase in SSI living arrangement amounts.

Section 16 is amended to reflect the increase in the monthly income standard for Institutional Care and Home and Community Based Waiver Services categories.

Section 20 is amended to reflect the increase in the covered quarter income standard.

8.291.430 NMAC

Section 10 is amended to reflect FPL mandates.

The register for the proposed amendments to these rules will be available April 20, 2021 on the HSD web site at <https://www.hsd.state.nm.us/lookingforinformation/register/> and <https://www.hsd.state.nm.us/public-information-and-communications/opportunity-for-public-comment/public-notice-proposed-waiver-changes-and-opportunities-to-comment/comment-period-open/>. 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 finalize these rules effective August 01, 2021. A public hearing to receive testimony on these rules will be held via conference call on Thursday, May 20, 2021 at 9:00 a.m., Mountain Time (MT).
Conference 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 p.m. MT on May 20, 2021. 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 <https://www.hsd.state.nm.us/public-information-and-communications/opportunity-for-public-comment/public-notice-proposed-waiver-changes-and-opportunities-to-comment/comment-period-open/> 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.