

This is an amendment to 8.249.400 NMAC, Sections 6, 7 and 9, effective 1/1/2023.

**8.249.400.6 OBJECTIVE:** The objective of this rule is to provide specific instructions when determining eligibility for the medicaid program and other health care programs. Generally, applicable eligibility rules are detailed in the medical assistance division (MAD) eligibility policy manual 8.200 NMAC, *Medicaid Eligibility - General Recipients Policies*. Processes for establishing and maintaining medicaid eligibility are detailed in the income support division (ISD) general provisions policy manual 8.100 NMAC, *General Provisions for Public Assistance Programs*. Refugee medical assistance (RMA): The RMA offers health coverage for a refugee within the first ~~eight~~ 12 months from ~~his or her~~ their date of entry to the United States (U.S.) when ~~he or she does~~ they do not qualify for other medicaid eligibility categories. An RMA eligible refugee has access to a benefit package that parallels the full medicaid services. This program is not funded by medicaid; funds are provided through a grant under Title IV of the Immigration and Nationality Act. The purpose of this grant is to provide for the effective resettlement of a refugee and to assist him or her to achieve economic self-sufficiency as quickly as possible. [8.249.400.6 NMAC - Rp, 8.249.400.6 NMAC, 1/1/2014; A, 1/1/2023]

**8.249.400.7 DEFINITIONS: “Refugee”** is an immigrant, who because of persecution or fear of persecution on account of race, religion or political opinion, fled from ~~his or her~~ their home country and cannot return because of fear of persecution because of race, religion or political opinion. [8.249.400.7 NMAC - N, 1/1/2014; A, 1/1/2023]

**8.249.400.9 REFUGEE MEDICAL ASSISTANCE ONLY - CATEGORY 049 AND 059:**

**A.** A medicaid eligible refugee recipient must meet the following non-financial eligibility requirements:

- (1) is ineligible for full medicaid coverage;
- (2) is not a full-time student in an institution of higher education, except where enrollment is part of an individual employability plan for a refugee enrolled in the refugee cash assistance program;
- (3) is in the U.S. fewer than ~~eight~~ 12 months and meets one of the following statuses:
  - (a) is admitted as a refugee under Section 207 of the Immigration and Nationality Act;
  - (b) is paroled into the U.S. as a refugee or asylee under Section 212 (d)(5) of the Immigration and Nationality Act;
  - (c) is granted asylum under Section 208 of the Immigration and Nationality Act;
  - (d) is admitted as an Amerasian immigrant from Vietnam through the orderly departure program, under Section 584 of the Foreign Operations Appropriations Act, incorporated in the fiscal year 1988 Continuing Resolution P.L. 100-212;
  - (e) is a Cuban-Haitian entrant who was admitted as a public interest parolee under Section 212 (d)(5) of the Immigration and Nationality Act;
  - (f) is certified as a victim of human trafficking by the federal office of refugee resettlement (ORR);
  - (g) is an eligible family member of a victim of human trafficking certified by ORR who has a T-2, T-3, T-4, or T-5 Visa;
  - (h) is admitted as a special immigrant from Iraq or Afghanistan under Section 101 (a)(27) of the Immigration and Nationality Act; or
  - (i) is a lawful permanent resident (LPR) when the individual had previously met a status as listed in Subparagraphs (a) through (h) above;
- (4) an individual who meets the following eligibility requirements pursuant to 8.200.410 NMAC and 8.200.420 NMAC of citizenship or non-citizen status, enumeration, residence, non-concurrent receipt of assistance and applications for other benefits;
- (5) appropriate to the size of the budget group (not including the ineligible parent due to citizenship or non-citizen status or enumeration), countable gross income must be less than one hundred and eighty-five percent of the standard of need (SON) countable net income must be less than the SON pursuant to 8.200.520 NMAC and 8.202.500 NMAC; and
- (6) an applicant or an eligible recipient may have other creditable health insurance coverage.

**B.** An eligible recipient may have other creditable health insurance coverage. If the eligible recipient has other creditable health insurance coverage, RMA is the second payor.

**C.** An individual who is an inmate of a public institution is not eligible pursuant to 8.200.410 NMAC. [8.249.400.9 NMAC - Rp, 8.249.400.9 NMAC, 1/1/2014; A, 1/1/2022; A, 1/1/2023]