

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) rule *8.200.400, Medicaid Eligibility-General Recipient Rules, 8.249.400, Refugee Medical Assistance (RMA) Program-Recipient Requirements, and 8.249.600, Refugee Medical Assistance (RMA) Program-Benefit Description.*

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: July 26, 2022

Hearing Date: August 26, 2022

Adoption Date: Proposed as January 1, 2023

Technical Citations: Office of Refugee Resettlement (ORR)-DCL 22-12 Expansion of RMA Eligibility Period

The Department is proposing to amend the rules as follows:

Background

The Federal Office of Refugee Resettlement (ORR) issued guidance that expands the Refugee Medical Assistance (RMA) eligibility period from eight months to 12 months for ORR-eligible populations whose date of eligibility for ORR benefits is on or after October 1, 2021. Historically the RMA eligibility period has been eight months since federal fiscal year 1992 due to insufficient appropriations.

Other minor changes were made to these rules to replace outdated terms and correct wording errors.

8.200.400 NMAC

Section 10 has been updated to change the RMA coverage period from eight to 12-months.

8.249.400 NMAC

Section 6 and 9 were updated to change the text from eight to 12-months.

8.249.600 NMAC

Sections 9, 11, 12, 14, and 15 were updated to change the text from eight to 12-months.

The register for these proposed amendments to these rules will be available July 26, 2022 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-notices-proposed-waiver-changes-and-opportunities-to-comment/comment-period-open/>. If you do not have internet access, a copy of the proposed register and rule may be requested by contacting MAD at (505) 827-1337.

The Department proposes to implement these rules effective January 1, 2023. A public hearing to receive testimony on these proposed rules will be held **via conference call on Friday, August 26, 2022, at 9 a.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 p.m. MT on August 26, 2022. 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-notices-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.