

NOTICE OF RULEMAKING

The New Mexico Health Care Authority (HCA), through the Medical Assistance Division (MAD), is proposing to amend the New Mexico Administrative Code (NMAC) rules *8.200.510 NMAC - General Recipient Policies Resource Standards*, *8.200.520 NMAC - General Recipient Rules-Income Standards*, and *8.291.430 NMAC - Affordable Care Financial Responsibility Requirements*.

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 8, 2025

Hearing Date: May 8, 2025

Adoption Date: Proposed as August 1, 2025

Technical Citations: HHS 2025 Federal Poverty Guidelines and 2025 SSA COLA Fact Sheet.

Background

The Department is amending these rules to implement the Department of Health and Human Services (HHS) updates to the Federal Poverty Level (FPL) income limits for Medicaid categories of eligibility to be effective April 1, 2025, as required by HHS. The Department is also implementing the annual cost of living allowance (COLA) increase that went into effect on January 1, 2025. 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.

The Health Care Authority is proposing to amend the rule as follows:

8.200.510 NMAC

Section 11 has been amended to reflect current COLA for Community Spouse Resource Allowance.

Section 12 has been amended to reflect the current COLA for Post-Eligibility Calculation (Medical Care Credit).

Section 13 has been amended to reflect the current COLA for Average Monthly Cost of Nursing Facilities for Private Patients.

Section 15 has been amended to reflect the COLA for current Excess Home Equity Amount for Long-Term Care Services.

8.200.520 NMAC

Section 11 has been amended to reflect updated FPL limits.

Section 12 has been amended to reflect the COLA increase.

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

Section 15 has been amended to reflect the increase in SSI Living Arrangement Amounts.

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

Section 20 has been amended to reflect the increase in the Covered Quarter Income Standard.

8.291.430 NMAC

Section 10 has been amended to reflect 2025 FPL guidelines.

I. RULE

These proposed rule changes will be contained in 8.200.510, 8.200.520, and 8.291.430 NMAC. This register and the proposed rules are available on the HCA website at: <https://www.hca.nm.gov/lookingforinformation/register/> and <https://www.hca.nm.gov/comment-period-open-2025/>. 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.

II. EFFECTIVE DATE

The COLA rules are effective January 1, 2025. The FPL rules are effective April 1, 2025.

III. PUBLIC HEARING

A public hearing to receive testimony on this proposed rule will be held on May 8, 2025, at 9:30 a.m. Mountain Time (MT). The hearing will be held at the Administrative Services Division (ASD), 1474 Rodeo Rd, Santa Fe, NM 87505 and via Teams.

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If you are a person with a disability and you require this information in an alternative format or require special accommodation to participate in the public hearing, please contact the MAD in Santa Fe at (505) 827-1337. The HCA requests at least ten (10) working days advance notice to provide requested alternative formats and special accommodations.

Copies of all comments will be made available by 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.

IV. ADDRESS

Interested persons may address written comments to:

New Mexico Health Care Authority

Office of the Secretary

ATTN: 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: HCA-madrules@hca.nm.gov. Written mail, electronic mail and recorded comments must be received **no later than 5 p.m. MT on May 8, 2025**. 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 HCA website at <https://www.hca.nm.gov/lookingforinformation/registers/> and <https://www.hca.nm.gov/comment-period-open-2025/> along with the applicable register and rule. The public posting will include the name and any contact information provided by the commenter.