

TITLE 8 SOCIAL SERVICES
CHAPTER 100 GENERAL PROVISIONS FOR PUBLIC ASSISTANCE PROGRAMS
PART 110 GENERAL OPERATING POLICIES - APPLICATIONS

8.100.110.1 ISSUING AGENCY: New Mexico Health Care Authority.
[8.100.110.1 NMAC - Rp 8.100.110.1 NMAC, 7/1/2024]

8.100.110.2 SCOPE: The rule applies to the general public.
[8.100.110.2 NMAC - Rp 8.100.110.2 NMAC, 7/1/2024]

8.100.110.3 STATUTORY AUTHORITY:

A. Section 27 NMSA 1978 (1992 Repl.) provides for the health care authority to "...adopt, amend and repeal bylaws, rules and regulations...." It also provides for administration of public assistance programs.

B. The income support division (ISD) of the health care authority was created by the HCA secretary under authority granted by Paragraph (3) of Subsection B of Section 9-8-6 NMSA 1978.

C. Section 9-8-1 et seq. NMSA 1978 establishes the health care authority (HCA) as a single, unified department to administer laws and exercise functions relating to health care facility licensure and health care purchasing and regulation.

[8.100.110.3 NMAC - Rp 8.100.110.3 NMAC, 7/1/2024]

8.100.110.4 DURATION: Permanent.

[8.100.110.4 NMAC - Rp 8.100.110.4 NMAC, 7/1/2024]

8.100.110.5 EFFECTIVE DATE: July 1, 2024, unless a later date is cited at the end of a section.

[8.100.110.5 NMAC - Rp 8.100.110.5 NMAC, 7/1/2024]

8.100.110.6 OBJECTIVE: The objective of these regulations is to provide general policy and procedures for income support division (ISD) administered programs.

[8.100.110.6 NMAC - Rp 8.100.110.6 NMAC, 7/1/2024]

8.100.110.7 DEFINITIONS: [RESERVED]

[8.100.110.7 NMAC - Rp 8.100.110.7 NMAC, 7/1/2024]

8.100.110.8 RIGHT TO APPLY: Each individual shall have the opportunity to apply for public assistance programs administered by the HCA or to have an authorized representative do so on their behalf. Paper application forms must be readily accessible in the ISD local office lobby and provided to any person who requests the form. Applications are made in a format prescribed by the HCA to include paper forms or electronic submissions. All forms and notices will be accessible to individuals with limited-English proficiency or disabilities. ISD will post signs in local field offices which explain the application processing standards and the right to file an application on the day of initial contact.

A. Screening: Every applicant shall have the opportunity to meet, face to face or telephonically, with ISD when an application is submitted during regular business hours. ISD will review the application, assist the applicant in completing the application, if it is incomplete or assistance is otherwise necessary, and will assist in identifying the public assistance program(s) for which the applicant wishes to apply.

(1) Screening for supplemental nutrition assistance program (SNAP) expedited service: ISD will screen SNAP applicants for entitlement to expedited processing, using the standard formula and documenting the application, at the time the household requests assistance.

(a) If the applicant is eligible for expedited service, the SNAP application will be processed in accordance with 8.139.110.16 NMAC.

(b) If expedited SNAP processing is denied, the applicant will be informed of the right to request an agency review conference to be held within two days of the request unless the household requests a later date pursuant to Paragraph (4) of Subsection E of 8.100.970.10 NMAC.

(2) Proof checklist: ISD shall provide each household at the time of application for certification and recertification with a notice that informs the household of the verification requirements the household must meet as part of the application process. The notice shall also inform the household of ISD's responsibility to assist the household in obtaining required verification provided the household is cooperating with

ISD as specified in 7 C.F.R. 273.2(d)(1) and Section F of 8.139.110.11 NMAC. The notice shall be written in clear and simple language and shall meet the bilingual requirements designated in 7 C.F.R. 272.4(b). At a minimum, the notice shall contain examples of the types of documents the household should provide and explain the period of time the documents should cover.

(3) Scheduling the appointment: ISD must schedule an interview for all applicant households who are not interviewed on the day their application is received by ISD. An interview should be held within 10 working days from the date the application is received by ISD and, to the extent possible, convenient for both the applicant and ISD. To the extent practicable, ISD must schedule the interview to accommodate the needs of groups with special circumstances, including working households. ISD must schedule all interviews as promptly as possible to ensure eligible households receive an opportunity to participate within 30 days after the application is filed. ISD will send an appointment letter for an interview that includes contact information for ISD, date, time and place of the appointment. ISD must notify each household that misses its interview appointment that it missed the scheduled interview and that the household is responsible for rescheduling a missed interview. If the household contacts ISD within the 30-day application processing period, ISD must schedule a second interview. ISD may not deny a household's application prior to the 30th day after application if the household fails to appear for the first scheduled interview. If the household requests a second interview during the 30-day application processing period and is determined eligible, ISD must issue prorated benefits from the date of application.

B. Alternative interviews: Specific requirements for telephone and out of office interviews are outlined in each program's chapter on this topic.

C. Screening applications received by alternative means: ISD will screen applications for all public assistance programs and for expedited SNAP eligibility which includes applications received by alternative means. Alternative means include mail, fax, online, electronic transmission, or through an authorized representative.
[8.100.110.8 NMAC - Rp 8.100.110.8 NMAC, 7/1/2024]

8.100.110.9 SUBMISSION OF FORMS: Applicants may submit forms to a local county office in person or through an authorized representative, through the approved HCA web portal, by fax or by mail. The date the application and forms are received by ISD will be documented on the form. Applications submitted after regular business hours shall be considered received after business hours.

A. Incomplete application: An applicant has the right to file an incomplete form as long as the form contains the applicant's name, address and the signature of a responsible household or benefit group member or the household or benefit group's authorized representative, if one is designated.

B. Requesting application forms: When ISD receives a request for an application for assistance, ISD will mail, fax or hand deliver a paper application and provide the approved web portal address (for online applications), as indicated by the requestor, on the same day the request is received.

C. ISD shall provide households that complete an on-line electronic application in person at the ISD office the opportunity to review the information that has been recorded electronically and provide them with a copy of that information for their records, upon request.

[8.100.110.9 NMAC - Rp 8.100.110.9 NMAC, 7/1/2024]

8.100.110.10 INTERVIEWS: Specific requirements for the interview are outlined in each program's chapter on this topic. Related verification issues for the interview are located in the verification section.

[8.100.110.10 NMAC - Rp 8.100.110.10 NMAC, 7/1/2024]

8.100.110.11 PROCESSING APPLICATIONS:

A. Cash Assistance (CA)/SNAP combined cases: To facilitate participation in SNAP, the Food Stamp Act requires that individuals applying for CA be able to apply for SNAP benefits at the same time.

(1) Application: A household applying jointly for CA and SNAP is required to file only one application on a form prescribed by ISD. The application contains the information necessary to complete the application process whether it was submitted by paper format or electronically online. If it is unclear to ISD whether the applicant intends to apply for SNAP, ISD will ask the applicant during the CA interview or other contact may be made with the applicant. An application for SNAP will be processed in accordance with time standards and procedures set forth in federal and state laws and regulations governing SNAP, including expedited processing provisions.

(2) Single interview: Whenever possible, a single interview will be held with an applicant who applies jointly for CA and SNAP benefits.

(3) Categorical eligibility: A SNAP household that meets criteria set forth in 8.139.420.8 NMAC is categorically eligible. If a household does not meet SNAP eligibility criteria, but is potentially categorically eligible, ISD must postpone denying the SNAP application until the 30th day.

(4) Application processing: Shall be processed in accordance with 7 C.F.R 273.2 j(1)(iv). As a result of differences in CA and SNAP application processing procedures and timeliness standards, eligibility for SNAP benefits may be determined prior to CA eligibility determination. Action on a SNAP application may be postponed until categorical eligibility is established to afford the household any benefits of this provision. However, SNAP approval may not exceed the applicable SNAP expedited or regular application processing timeliness standards.

(5) Application is denied: If a CA application is denied, an applicant is not required to file a new SNAP application. SNAP eligibility will be determined on the basis of the original application filed jointly for CA and SNAP, as well as any other documentation and information obtained in the course of the CA determination that is relevant to SNAP eligibility and benefit amount. A SNAP application may not be denied based on a CA denial reason, but must be based on the SNAP eligibility criteria.

(6) Denial retrieval: A SNAP application that is denied on the 30th day must be readily retrievable for another 30 days, in case the household is later determined eligible for CA or supplemental security income (SSI) benefits. When this occurs, ISD will use the original SNAP application, update any information and approve the SNAP case with prorated benefits as of the date of CA or SSI approval or payment effective date, whichever is later. A second interview is not necessary, however, the applicant or authorized representative should initial all changes and sign and date the verification of the changes.

B. Reporting changes: All participants in public assistance programs administered by the HCA are required to report any changed circumstances that relate to their eligibility for assistance or level of benefits. Each participant is provided with a list of the specific information they are required to report and the reporting time limits. When a change is reported, ISD must ensure that adjustments are made in the client's eligibility status or allotment for those months that the reported change is in effect, in accordance with each program's chapter on this topic.

(1) Notice: Whenever a client's benefits are altered as a result of changes, or whenever a certification period is shortened to reflect changes in the household's circumstances, the client is notified of the action by ISD in accordance with the notice requirements found in 8.100.180.10 NMAC and 8.100.180.11 NMAC. If the certification period is shortened, the household's certification period may not end any earlier than the second month following the month ISD determines the certification period should end. This allows adequate time to send a notice of expiration and for the household to timely reapply. If CA benefits are terminated, but the household is still eligible for SNAP benefits, members of the household must be informed about SNAP employment & training and ABAWD requirements, if applicable.

(2) CA reduction or termination within SNAP certification period: Whenever a reported change results in the reduction or termination of a client's CA benefits within the SNAP certification period, action will be taken to determine how the change affects the client's SNAP eligibility and benefit levels.

(a) Sufficient information: When there is sufficient information to determine how the change affects SNAP eligibility and benefit levels, the following actions will be taken:

(i) Reduction/termination of SNAP benefits: A change that reduces or terminates SNAP, CA or both benefits will generate a notice of adverse action for each category of assistance that is sent to the household and authorized representative. The notice(s) of adverse action will inform the household of its fair hearing rights and method for requesting continuation of benefits.

(ii) Increase in SNAP benefits: If the reduction/termination of CA benefits results in the increase of SNAP benefits, the increase in SNAP benefits occurs after the CA notice period expires and the CA grant is actually reduced or terminated.

(b) Insufficient information: Whenever there is insufficient information to determine how the CA change affects the client's SNAP eligibility and benefit level, the following actions shall be taken:

(i) CA notice of adverse action required: Where a CA notice of adverse action has been sent and the client requests a fair hearing and CA benefits are continued pending the appeal, the household's SNAP benefits will be continued on the same basis. However, the household must recertify for SNAP benefits if the SNAP certification period expires before the fair hearing process is completed.

(ii) CA notice of adverse action not required: If a CA notice of adverse action is not required, or the client decides not to request a fair hearing and continuation of CA benefits, the household must be notified that its certification period will expire at the end of the month following the month the notice of expiration is sent, and that it must reapply if it wishes to continue to participate in the SNAP. The notice of

expiration will also explain to the household that the certification period is expiring because of changes in its circumstances that may affect its SNAP eligibility and benefit level.

(3) Certification periods: ISD will assign CA and SNAP certification periods that expire at the same time. In no event are CA and SNAP benefits to be continued beyond the end of a certification period.

(4) Recertification: Households in which all members are contained in a single CA grant or in a single general assistance (GA) grant will have their SNAP interviews for recertification, to the extent possible, at the same time they are redetermined for CA.

(5) Reopened cases: If the CA and SNAP cases are closed or the SNAP certification expires, and the former recipient reapplies for one or both programs for the month following closure or expiration, benefits are prorated from the date of application for SNAP. If reapplication is made for CA or SNAP or both, following a break of one full month or more, SNAP and CA benefits for the month of application will be determined prospectively under beginning month provisions.

C. Other processing standards:

(1) SSI Households: Households in which all members are applying for SSI benefits are handled in the same manner as CA households with respect to the postponement of SNAP approval or denial and the retrieval of denied SNAP applications.

(a) Since ISD cannot monitor the progress of the SSI application, and if the SNAP application is denied on the 30th day, the household must be advised to reapply for SNAP when it has been notified of SSI approval.

(b) SSI households are also entitled to apply for SNAP and be recertified at the social security administration (SSA) offices. SSA will accept the application and forward the completed application, transmittal form, and any available verification to the designated local ISD field office. When SSA accepts and refers the application, the household is not required to appear at a second office interview, although ISD may request additional verification or information needed to make an eligibility determination. Processing time limits begin when the SNAP application is registered at the SSA office.

(2) GA households: Households in which all members are applying for state administered GA are to be processed jointly for GA and SNAP benefits. However, since these households are not, nor will they become categorically eligible, the provisions to postpone approval or denial and to retrieve denied SNAP applications do not apply.

(3) Mixed households: Households in which some but not all of the household members are applying for NMW benefits will file separate applications for CA and SNAP benefits. Applications will be handled under the same processing provisions required for nonfinancial assistance households. However, if those not applying for CA benefits are recipients of SSI, the SNAP application would be jointly processed, because SSI recipients are already considered CA recipients.

(4) Application processing standards joint applications other than CA/SNAP: Each type of benefit applied for will be processed according to its specific procedures and timeliness standards. No benefit's processing will be delayed waiting for other benefit's requirements.

[8.100.110.11 NMAC - Rp 8.100.110.11 NMAC, 7/1/2024]

8.100.110.12 TIME LIMITATIONS: A decision shall be made promptly on applications in accordance with the timeliness standards set forth in 8.100.130.11 NMAC. These deadlines ensure that eligibility decisions are made promptly without restricting the applicant's right to supply verification of eligibility factors throughout the application processing period.

[8.100.110.12 NMAC - Rp 8.100.110.12 NMAC, 7/1/2024]

History of 8.100.110 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives:

ISD Rule 170, FA/FS Combined Cases, 2/9/1988.

History of Repealed Material:

8 NMAC 3.ISD.110, General Operating Policies, Applications - Repealed, 7/1/1997.

8.100.110 NMAC - General Operating Policies - Applications (filed 3/26/2001) Repealed, effective 7/1/2024.

Other: 8.100.110 NMAC - General Operating Policies - Applications (filed 3/26/2001) Replaced by 8.100.110 NMAC - General Operating Policies – Applications, effective 7/1/2024