

TITLE 8 SOCIAL SERVICES
CHAPTER 100 GENERAL PROVISIONS FOR PUBLIC ASSISTANCE PROGRAMS
PART 130 GENERAL OPERATING POLICIES - ELIGIBILITY AND VERIFICATION
STANDARDS

8.100.130.1 ISSUING AGENCY: New Mexico Health Care Authority.
[8.100.130.1 NMAC - Rp 8.100.130.1 NMAC, 7/1/2024]

8.100.130.2 SCOPE: The rule applies to the general public.
[8.100.130.2 NMAC - Rp 8.100.130.2 NMAC, 7/1/2024]

8.100.130.3 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 (HCA) was created by the HCA secretary under authority granted by Chapter 9, Article 8 NMSA 1978 (Repl. 1983).

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.

[8.100.130.3 NMAC - Rp 8.100.130.3 NMAC, 7/1/2024]

8.100.130.4 DURATION: Permanent.

[8.100.130.4 NMAC - Rp 8.100.130.4 NMAC, 7/1/2024]

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

[8.100.130.5 NMAC - Rp 8.100.130.5 NMAC, 7/1/2024]

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

[8.100.130.6 NMAC - Rp 8.100.130.6 NMAC, 7/1/2024]

8.100.130.7 DEFINITIONS: [RESERVED]

[8.100.130.7 NMAC - Rp 8.100.130.7 NMAC, 7/1/2024]

8.100.130.8 PRINCIPLES OF ELIGIBILITY: The income support division (ISD) is responsible for administering food, cash, energy, and medical assistance programs. These programs are funded through federal or state sources and provide assistance to individuals who meet certain eligibility factors. State and federal regulations determine eligibility factors for each program. ISD determines if an individual qualifies for a program, and ensures that eligible individuals receive the assistance as quickly as possible and, in any event, within the application time frames for the applicable program.

A. Proof of eligibility: Determining eligibility for assistance requires that certain verification regarding an applicant/recipient's circumstances be made available to ISD. This verification is retained in the case record or noted in the case narrative.

(1) Applicant/recipient responsibility: The applicant/recipient is responsible to provide and obtain the verification necessary to determine eligibility.

(2) ISD responsibility: ISD is responsible for the following:

(a) to explain program participation requirements and the program specific eligibility factors to applicants/recipients;

(b) to explain the information and documents that must be provided to establish eligibility under each eligibility factor for a specific program;

(c) to offer and provide assistance in obtaining verification of an eligibility factor when the applicant/recipient indicates that verification may be difficult or costly to obtain; difficulty in obtaining verification may arise as a result of such circumstances as an applicant/recipient's limited ability to read, speak or understand the English language, mental impairments, physical illness, disability, lack of funds, lack of transportation or lack of knowledge about how to obtain the information; assistance by ISD includes explaining written information orally in the applicant/recipient's language, providing an interpreter, providing an address or

telephone number of a person or agency, making telephone or written inquiries, allowing an applicant/recipient to use the telephone, locating a document, instructing an applicant in obtaining a document, requesting a document on behalf of an applicant/recipient or contacting a collateral contact; the assistance offered and provided is based on the particular needs of the applicant and ISD's ability to address those needs;

(d) to inform applicants/recipients in writing of their responsibility to provide necessary verification.

(3) Incomplete information: When available information is inconclusive, incomplete or indefinite, ISD shall be responsible for explaining, in writing, what questions remain and how they can be resolved. The explanation must make it clear that eligibility cannot be established without the information or documents and that failure to provide them shall result in denial, reduction or termination of assistance.

(a) The applicant/recipient shall also be informed they may reapply at any time but that the information, documentation or actions may affect the reapplication. If the applicant/recipient does not provide all of the verification needed, a decision shall be made to the extent possible, based on the existing verified information.

(b) For MAGI medicaid purposes, reasonable compatibility will be effectuated in accordance with 42 CFR 435.952.

(c) When assistance is denied, reduced, delayed or terminated due to failure to provide information or documents as requested, the case record must contain the explanation that such failure is the basis for the action. The client shall be informed in writing of the action.

B. Failure to provide verification: An applicant/recipient cannot be considered eligible for assistance until necessary verification is obtained. To the extent possible, ISD shall make eligibility determinations based on verified eligibility issues rather than failure to provide information.

C. Applicants/recipients may submit documentary evidence in person, by mail, facsimile, or other electronic device or through an authorized representative.
[8.100.130.8 NMAC - Rp 8.100.130.8 NMAC, 7/1/2024]

8.100.130.9 METHODS OF VERIFICATION:

A. Verification to determine eligibility and benefit level is obtained through six methods. Not all methods will necessarily be used in each case. The six methods are outlined in Subsections B through G of this section as well as the circumstance in which they may be used.

B. Prior case data not subject to change: Verification of an eligibility factor not subject to change which previously has been verified is accepted. At the application interview, ISD shall advise the applicant/recipient of any eligibility factors which have previously been established through documents in ISD's possession and that are not subject to change. ISD shall not require further verification of any eligibility factors already established. Such factors include: U.S. citizenship, permanent residency, birth date, relationship, social security enumeration and deprivation due to the death of a parent.

C. Electronic data: Every applicant/recipient shall be informed that the information provided is subject to verification through federal, state, local and contracted data systems. ISD shall review the information received from the data source with the applicant/recipient and not require additional verification of such information unless it is disputed by the applicant/recipient, the information is otherwise questionable, or the information does not comply with specific benefit requirements. Questionable information is defined in 8.100.130.12 NMAC. Electronic data checks are automatically made and are not considered to be collateral contacts. The electronic data checked includes, but is not limited to:

(1) SSA and SSI information through the beneficiary data exchange (BENDEX) and the state data exchange (SDX) systems:

(a) the household shall be given an opportunity to verify the information from another source if the SDX or BENDEX information is contrary to the information provided by the household or is unavailable;

(b) eligibility and benefit level determination shall not be delayed past the application processing standards of 8.100.130.11 NMAC of this part if SDX or BENDEX data is unavailable;

(2) wage data and unemployment compensation benefits (UCB) through the interface with the New Mexico department of workforce solutions (NMDWS) - unemployment insurance database;

(3) interest, dividends, unearned income and self-employment wages through interfaces with the BENDEX wage data and internal revenue service (IRS) available through income and eligibility verification systems (IEVS):

(a) if the IEVS-obtained information is questionable, this information shall be

considered unverified upon receipt and ISD shall take action to request verification of the information;

(b) except as noted in this paragraph, prior to taking action to terminate, deny or reduce benefits based on IEVS-obtained information, ISD shall request verification of the information;

(4) vehicle registration and driver's license information available from the New Mexico motor vehicle division; and

(5) child support payment information and absent parent information available from the child support services division.

(6) Restrictions: Information on earnings, benefits, resources and absent parents disclosed through government data systems shall be used only for the purpose of:

(a) verifying an applicant/recipient's eligibility;

(b) verifying the proper amount of benefits;

(c) investigating to determine whether recipients received benefits to which they were not entitled; and

(d) substantiating information which will be used in conducting criminal or civil prosecution based on receipt of benefits to which recipients were not entitled.

D. Documentary evidence: ISD shall use documentary evidence as the primary source of verification for all items except residency and household size. These items may be verified either through readily available documentary evidence, collateral contact or data from federal, state, local or contracted data sources, without a requirement being imposed that documentary evidence must be the primary source of verification. Documentary evidence consists of a written confirmation of a household's circumstances. Although documentary evidence shall be the primary source of verification, acceptable verification shall not be limited to any single type of document and may be obtained through the household or other source. Whenever documentary evidence cannot be obtained or is insufficient to make a determination of eligibility or benefit level, the eligibility worker may require collateral contacts or home visits. ISD is responsible for obtaining verification from acceptable collateral contacts. If a collateral contact is not available, a sworn statement shall be accepted from the household. ISD shall provide applicants/recipients with receipts for verification documents provided.

E. Collateral contacts: A collateral contact is an oral or written confirmation of a household's circumstances by a person outside the household. ISD shall document the reason for utilizing a collateral contact in the case file.

(1) A collateral contact can be used only when the applicant/recipient selects a collateral contact as the source of verification and:

(a) ISD cannot verify using a trusted electronic source;

(b) the applicant/recipient indicates difficulty in obtaining acceptable documentary evidence; or

(c) the documentary evidence provided by the applicant/recipient is inadequate or questionable.

(2) Selection of a collateral contact: The applicant/recipient and ISD shall select a mutually agreed upon collateral contact. A collateral contact must have knowledge of the applicant/recipient's circumstances and must be able to give accurate third party information.

(a) ISD may select a collateral contact only if the household fails to designate one or designates one who lacks knowledge of the applicant/ recipient's circumstances or cannot give accurate information. If the applicant/recipient does not agree to the collateral contact and does not designate an acceptable collateral contact, the application may, in appropriate circumstances, be denied for failure to verify.

(b) A collateral contact shall not be rejected solely based on the following criteria:

(i) they are related to the applicant/recipient;

(ii) they are a recipient of public assistance; or

(iii) they do not have a telephone.

(3) Failure on the part of a collateral contact: ISD shall not deny or delay an eligibility decision solely because of failure of a collateral contact to provide information. ISD shall decide the applicant/recipient's eligibility and benefit amounts based on all readily available information.

F. Home visits: Home visits may be used as verification only when electronic data or documentary evidence is insufficient to make a firm determination of eligibility or benefit level, or cannot be obtained. Home visits shall be selected as a method of verification with the applicant/recipient's consent. ISD shall schedule the home visit with the applicant/recipient in advance during normal business hours. ISD shall document the reason for the home visit in the case record.

G. Sworn statements:

(1) If the applicant/recipient has an immediate need for assistance, ISD shall accept and, if necessary, assist the applicant/recipient to identify necessary factors to be included in the statement, an applicant/recipient's sworn statement to verify one or more eligibility factors when there is:

(a) a reasonable explanation as to why electronic data documentary verification or a collateral contact is not readily available to establish the factors; and

(b) the applicant/recipient's statement does not contradict other credible information received by ISD; in such instances where the statement contradicts the other information, ISD may require additional verification within a reasonable time after approval and authorization of assistance: an applicant/recipient who objects to such an additional request for information shall have the right to request and receive a fair hearing.

(2) A sworn statement is defined as the applicant/recipient's statement signed under penalty of perjury.

[8.100.130.9 NMAC - Rp 8.100.130.9 NMAC, 7/1/2024]

8.100.130.10 SELECTION OF VERIFICATION: Verification shall be requested only when necessary to establish a specific eligibility factor or benefit amount for a program and is not available or acceptable from an electronic source, in accordance with other benefit requirements. The method of verification which is selected to establish eligibility on a factor is determined through discussion between ISD and the applicant/recipient.

A. Only necessary verification: ISD shall only request verification which is necessary to establish eligibility or benefit amounts for the assistance program(s) for which the applicant/recipient has applied.

B. Ready availability: The determination that verification is readily available will be made through discussion with the applicant/recipient. A readily available document is one which can be obtained by the applicant/recipient within five working days and at no cost to the applicant/recipient.

C. Verification of a negative statement: Verification, other than by sworn statement, of a negative statement shall not be required unless the statement is or becomes questionable as defined in 8.100.130.12 NMAC and at least one specific method of verifying the statement is readily available. A negative statement is a statement by an applicant/recipient that something does not exist or did not occur. Negative statements may be discussed with the applicant/recipient depending on the applicant/recipient's circumstances.

D. Verifying more than one factor: To the extent possible, ISD shall use a document to establish more than one eligibility factor.

[8.100.130.10 NMAC - Rp 8.100.130.10 NMAC, 7/1/2024]

8.100.130.11 TIMEFRAME FOR PROVISION OF VERIFICATION: An applicant/recipient is always allowed the complete time processing deadline for the program to provide necessary verification. The minimum amount of time allowed is specific to the program. This requirement pertains to requests for verification for initial applications as well as for verification for ongoing eligibility. Below are the time frames for provision of verification by type of assistance. ISD shall make an eligibility decision within three work days of the receipt of all necessary verification.

A. Food assistance and NMW/EWP cash assistance programs: The application disposition deadline for SNAP and cash assistance programs is 30 calendar days.

(1) Expedited (emergency) SNAP: If applicant is eligible for expedited SNAP processing, issue benefits no later than the sixth day following the date of application to be available to the applicant/recipient on the seventh day or the preceding work day if the sixth day falls on a weekend or holiday.

(2) Day 1: Calendar day following date of application.

(3) Approvals: If verification provided establishes eligibility and the 30th calendar day after the application is:

(a) Monday by the preceding Friday, the 27th day;

(b) Tuesday by the preceding Monday, the 29th day;

(c) Wednesday by the preceding Tuesday, the 29th day;

(d) Thursday by the preceding Wednesday, the 29th day;

(e) Friday by the preceding Thursday, the 29th day;

(f) Saturday by the preceding Friday, the 29th day;

(g) Sunday by the preceding Friday, the 28th day;

(h) Monday holiday by the preceding Friday, the 27th day;

(i) if necessary verification is not received by these deadlines but is received on or before the end of the processing period, approve on the day that full verification is provided.

(4) Need-based determination: ISD must make a need-based eligibility determination for

SNAP within 30 days of the date of the application or by the preceding work day if the 30th day falls on a weekend or holiday, if all mandatory verification has been received, with the following specific provisions. If one or more household members have failed to turn in mandatory individual verification that is not required for all the mandatory members of a household, ISD will deny those members missing verification, and will determine eligibility for the remaining members.

(5) Procedural denials:

(a) Lack of verification: In cases where ISD was able to conduct an interview and request all necessary verification on the same day or any day before the 30th day after the application was filed, and no subsequent requests for verification have been made, ISD may deny the application on the 30th day. Following the day of application, if ISD provided assistance to the household in obtaining the verification in accordance with 7 CFR 273.2(f)(5), but the household failed to provide the requested verification, ISD may deny the application on the 30th day after the application was filed.

(b) Missed interview: If the household failed to appear for a scheduled interview and made no subsequent contact with ISD to express interest in pursuing the application, the application shall be denied on the 30th day following the day of application. The household must file a new application if it wishes to participate in the program.

(6) Extension of time beyond the 30th day: If ISD does not determine a household's eligibility and provide an opportunity to participate within 30 days following the date the application was filed, ISD shall take action in accordance with 7 CFR 273.2(h).

(a) Household caused: If by the 30th day ISD cannot take any further action due to the fault of the household, the household shall lose its entitlement to benefits for the month of application and a notice of denial shall be issued. The household will be given an additional 30 days to take the required action.

(i) If the household takes the required action within 60 days following the date of application, the case shall be reopened without requiring a new application. If the household is found eligible during the second 30 day period, benefits shall be provided only from the month following the month of application. The household is not entitled to benefits for the month of application when the delay was the fault of the household.

(ii) If the household is at fault for not completing the application process within 60 days following the date of initial application, ISD shall deny the application and require the household to file a new application if it wishes to participate.

(b) ISD caused:

(i) Whenever a delay in the initial 30 day period is the fault of ISD, immediate corrective action shall be taken. If the household is found to be eligible during the second 30 day period, the household shall be entitled to benefits retroactive to the date of application. If, however, the household is found to be ineligible, ISD shall deny the application.

(ii) If ISD is at fault for not completing the application process by the end of the second 30-day period, and the case is otherwise complete, ISD shall continue to process the original application until an eligibility determination is reached.

(iii) If ISD is at fault for not completing the application process by the end of the second 30-day period, but the case is not complete enough to reach an eligibility determination, ISD may continue to process the original application. If ISD was also at fault for the delay in the initial 30 days, the amount of benefits lost would be calculated from the month following the month of application.

B. Medical assistance: As per 42 CFR 435.912 (c)(3), the determination of eligibility for any medicaid applicant may not exceed:

- (1)** 90 days for applicants who apply for medicaid on the basis of disability; and
- (2)** 45 days for all other medicaid applicants.

C. The 45-day processing timeframe is the following:

- (1)** Day 1: The date of application is the first day.
- (2)** No later than day 44 by the preceding work day if day 44 falls on a weekend or holiday:
 - (a)** if verification provided establishes eligibility or ineligibility; or
 - (b)** if the day following day 44 is not a work day, then decision must be made earlier than day 44 to allow for mailing on or before the deadline.
- (3)** No later than day 45 by the next work day if day 45 falls on a weekend or holiday, if needed verification is not provided until day 42 through 44.
- (4)** Day 45 by the next work day if day 45 falls on a weekend or holiday, if needed verification is provided on day 45, or is not provided.

(5) After day 45:

(a) When an applicant/recipient requests one or more 10-day extensions of time to provide needed verification. An applicant/recipient is entitled to receive up to three 10-day extensions of time upon request.

(b) The eligibility decision must be made as soon as possible and within three work days of receipt of all necessary verification.

(c) HCA provides a reasonable opportunity period to individuals who have made a declaration of citizenship or satisfactory immigration status in accordance with 8.200.410.13 NMAC.

D. The 90-day processing timeframe is the following: An application for medicaid shall be processed no later than 90 days from the date the application is filed.

(1) No later than day 89: by the previous work day if day 89 falls on a weekend or holiday:

(a) if verification provided establishes eligibility or ineligibility; or

(b) if day following day 89 is not a work day, then decision must be made earlier than day 89 to allow for mailing on or before deadline.

(2) No later than day 90 by the next work day if day 90 falls on a weekend or holiday, if needed verification is not provided until day 87 through 89.

(3) Day 90 by the next work day if day 90 falls on a weekend or holiday, if needed verification is provided on day 90, or is not provided. The eligibility decision must be made as soon as possible and within three-work days of receipt of all necessary verification.

E. General assistance: An application for general assistance shall be processed no later than 90 days from the date the application is filed.

(1) No later than day 89: by the previous work day if day 89 falls on a weekend or holiday:

(a) if verification provided establishes eligibility or ineligibility; or

(b) if day following day 89 is not a work day, then decision must be made earlier than day 89 to allow for mailing on or before deadline.

(2) No later than day 90 by the next work day if day 90 falls on a weekend or holiday, if needed verification is not provided until day 87 through 89. The only exceptions are days with system maintenance activities and network outage or down time.

(3) Day 90 by the next work day if day 90 falls on a weekend or holiday, if needed verification is provided on day 90. The eligibility decision must be made as soon as possible and within three-work days of receipt of all necessary verification.

(4) If needed verification is not provided, case must be processed on day 90.

(5) Reconsideration: A reconsideration of a disability determination may be requested, verbally or in writing, by a client within 15 days of the date of the denial for not meeting conditions of disability. The reconsideration period shall not exceed 30 days from the date of denial. Disability will be evaluated based on additional medical evidence provided by the client during the reconsideration period. Should no request be made or the client does not provide additional medical evidence during the reconsideration period the denial shall remain and the client may reapply.

(6) Tracking the application processing time limit: The application processing time limit begins on the day after the signed application is received in the ISD county office.

(7) Delayed determination: If an eligibility determination is not made within the required application processing time limit, the applicant/recipient shall be notified in writing of the reason for the delay and that the applicant/recipient has the right to request a fair hearing regarding ISD's failure to act within the time limits. Where applicable, NMAC subsections for specific programs detail how delays will be notified.

[8.100.130.11 NMAC - Rp 8.100.130.11 NMAC, 7/1/2024]

8.100.130.12 QUESTIONABLE INFORMATION/VERIFICATION:

A. To be considered questionable, incomplete or inadequate, the information or verification must be documented as one of the following:

(1) inconsistent with statements made by the applicant/recipient;

(2) inconsistent with other information on the application or previous applications;

(3) inconsistent with credible information received by ISD;

(4) questionable on its face.

B. Resolving questionable information: Upon receiving questionable, incomplete or inadequate verification needed to determine an applicant/recipient's eligibility or benefit amount, ISD shall promptly provide the applicant/recipient a notice which shall include the following:

- (1) advise the applicant/recipient of the receipt of the information;
 - (2) why it is questionable, incomplete or inadequate;
 - (3) the additional information that must be provided;
 - (4) the alternative methods of providing the information,
 - (5) the deadline for supplying the information (10 working days or the end of the applicable application processing time period, whichever is later);
 - (6) that the applicant/recipient may discuss with ISD whether any other readily available verification is acceptable;
 - (7) that ISD is available to assist the applicant/recipient if the information is not readily available; and
 - (8) that a failure to supply the needed information or contact ISD by the deadline may result in a delay, a denial of eligibility, a reduction in the amount of benefits or termination of benefits.
- [8.100.130.12 NMAC - Rp 8.100.130.12 NMAC, 7/1/2024]

8.100.130.13 NON-FINANCIAL VERIFICATION STANDARDS - IDENTITY:

A. SNAP and cash assistance programs: Verification of identity for the applicant is mandatory at application for the SNAP and cash assistance programs. Documents that can be used to verify identity for the SNAP and cash assistance programs include, but are not limited to:

- (1) photo ID; including driver's license;
- (2) birth certificate;
- (3) school record;
- (4) church record;
- (5) hospital or insurance card;
- (6) letter from community resources;
- (7) voter registration card;
- (8) work ID;
- (9) ID for another assistance or social service program;
- (10) wage stubs;
- (11) additional items as listed in ISD 135, "proof checklist"; or
- (12) if documentary evidence is not readily available, use other acceptable methods of verification as in 8.100.130.9 NMAC.

B. Medical assistance programs: Verification of citizenship and identity for the applicant/recipient is mandatory at initial application. Acceptable documentary evidence of citizenship and identity is found at 8.200.410.12 NMAC in accordance with 42 CFR 435.407.

[8.100.130.13 NMAC - Rp 8.100.130.13 NMAC, 7/1/2024]

8.100.130.14 NON-FINANCIAL VERIFICATION STANDARDS: NONCONCURRENT RECEIPT OF ASSISTANCE:

A. Verification of nonconcurrent receipt of assistance is mandatory. ISD has responsibility for verifying nonconcurrent receipt of benefits usually through government data systems or other state agencies.

(1) For SNAP purposes, non-receipt of SNAP benefits from this state or another state or receipt of tribal commodities must be verified.

(2) For medicaid, ineligibility to receive medicaid benefits from this state or another state in the current month must be verified.

(3) For cash assistance, ineligibility for and non-receipt of assistance from the supplemental security income (SSI) program and bureau of Indian affairs general assistance (BIA GA) program, TANF assistance from New Mexico tribal programs, cash assistance from a HCA administered program and adoption subsidies funded through Title IV-E of the Social Security Act must be verified.

B. Non-receipt of benefits from another state must be verified for applicants who indicate a recent move to New Mexico from another state and prior receipt of assistance from that state.

C. Methods which can be used to verify nonconcurrent receipt of assistance include:

- (1) ISD eligibility system for non-receipt of assistance from ISD programs;
- (2) state data exchange (SDX) for non-receipt of SSI;
- (3) contact with the New Mexico children, youth and families department for non-receipt of assistance;
- (4) document from another state showing termination of benefits;

medicaid;

(5) collateral contact - oral statement from other state for termination of SNAP, TANF, or

GA; or

(6) collateral contact - oral statement from bureau of Indian affairs for non-receipt of BIA-

TANF.

(7) collateral contact - oral statement from tribal TANF programs for non-receipt of tribal

[8.100.130.14 - Rp 8.100.130.14 NMAC, 7/1/2024]

8.100.130.15 NON FINANCIAL VERIFICATION STANDARD - ENUMERATION:

A. Verification that the enumeration requirement for an applicant/recipient has been met is mandatory for applicants who are seeking benefits for themselves unless the benefit program does not require enumeration, or the applicant seeking benefits is in an immigration status not requiring enumeration. The applicant/recipient must provide the social security number (SSN) which has been issued to the individual no later than 60 days following approval. ISD shall verify the SSN through the following methods:

(1) When an SSN is provided: The SSN will be verified through a data match with the SSA. If the SSN is not validated through the data match, the following sources of verification listed below may be utilized to validate the SSN:

- (a) ISD eligibility system;
- (b) social security card (OA-702);
- (c) ISD social security number validation report form (ISD 260);
- (d) an original SSA document containing the SSN; or
- (e) the individual who has provided their SSN will not be required to produce proof of SSN unless the SSN is found to be questionable.

(2) When an SSN is not provided: The applicant/recipient must provide verification of application for an SSN. The verification must indicate an application was made prior to approval of the individual for assistance. The verification shall be retained in the case record. Documents that can be used to verify an application for SSN include:

- (a) SSA 2853 enumeration at birth form;
- (b) signed and dated statement from the hospital showing enumeration at birth has been done;
- (c) original SSA document showing an application for SSN has been made and accepted; or
- (d) completed SS-5; the completed SS-5 must be dated and submitted prior to the date of approved; a copy of the completed and submitted SS-5 must be retained in the case record.

B. There is no requirement of enumeration for medicaid-newborn (Category 31).
 [8.100.130.15 - Rp 8.100.130.15 NMAC, 7/1/2024]

8.100.130.16 NON-FINANCIAL VERIFICATION STANDARD-CITIZENSHIP AND ELIGIBLE NON-CITIZEN STATUS: This section details the specific types of information and documents to be used in establishing the citizenship and non-citizen status for individuals who are applying for food assistance, cash assistance and medical assistance programs for themselves.

A. Citizenship for SNAP and cash assistance: Citizenship for SNAP and cash assistance programs will be verified only when questionable (as defined by 8.100.130.12 NMAC). Information and documents that can be used to verify citizenship include:

- (1) social security number;
- (2) birth certificate;
- (3) naturalization papers from the department of homeland security United States citizenship and immigration services (DHS) such as DHS Forms I-179 or I-197;
- (4) U.S. passport;
- (5) military service papers;
- (6) hospital record of birth;
- (7) baptismal record, when place of birth is shown;
- (8) Indian census records;
- (9) DHS 400 for non-citizen children who can derive citizenship through citizen

father or mother;

- (10) additional items as listed on ISD 135, “proof checklist”;

(11) any document listed in Subsection B of this section; or
(12) if electronic verification is not available, and documentary evidence is not readily available, use other acceptable methods of verification as described in 8.100.130.9 NMAC.

B. Medical assistance programs: After July 1, 2006, an individual seeking medical assistance benefits for themselves must provide the income support division with a declaration signed under penalty of perjury that the applicant is a citizen, or a national of the United States, or is in an eligible immigration status. Applicants must present information allowing for verification of attested status. A non-citizen applicant who declares to be in an eligible immigration status is required to present immigration status information that can be used to verify attested status (such as an “A-number” or an “I-94 number”). Verification of citizenship for the applicant/recipient is mandatory at initial application. Acceptable documentary evidence of citizenship and identity is found at 8.200.410.12 NMAC in accordance with 42 CFR 435.407.

C. Non-citizen status: A non-citizen must have information allowing attested status to be verified.

D. Systematic alien verification for entitlement (SAVE):

(1) All applicants who attest to eligible immigration status will be subject to verification through the United States department of homeland security’s (USDHS) database (SAVE) system.

(2) Conflicting information regarding the citizenship status provided by the applicant/recipient will require additional verification by the USDHS.

[8.100.130.16 - Rp 8.100.130.16 NMAC, 7/1/2024]

8.100.130.17 NON FINANCIAL VERIFICATION STANDARDS - RESIDENCE:

A. Verification of New Mexico residence is mandatory. Residence may be verified by the use of documentary evidence provided for other eligibility criteria.

B. Documents that can be used to verify residency include:

- (1) rent or mortgage receipt;
- (2) statement from landlord;
- (3) utility bills;
- (4) statement from an employer;
- (5) employment records;
- (6) tax office records;
- (7) post office records;
- (8) church or synagogue records;
- (9) utility company records;
- (10) school records;
- (11) proof of ownership of property;
- (12) current driver's license;
- (13) canceled letters;
- (14) additional items as listed on ISD 135, “proof checklist”; or
- (15) if documentary evidence is not readily available, use other acceptable methods of

verification as in 8.100.130.9 NMAC.

[8.100.130.17 - Rp 8.100.130.17 NMAC, 7/1/2024]

8.100.130.18 NON FINANCIAL VERIFICATION STANDARDS - HOUSEHOLD COMPOSITION:

A. The applicant/recipient's statement regarding household composition will be accepted.

B. Household composition will only be verified when determined questionable as defined by 8.100.130.12 NMAC. Documents that may be used to verify household composition include:

- (1) lease agreement listing household members;
- (2) landlord's written statement of household composition;
- (3) additional items as listed on ISD 135, “proof checklist”; or
- (4) if documentary evidence is not readily available, use other methods of verification as in

8.100.130.9 NMAC.

[8.100.130.18 - Rp 8.100.130.18 NMAC, 7/1/2024]

8.100.130.19 NON FINANCIAL VERIFICATION STANDARDS - AGE:

A. Age of child: Verification of age of children is mandatory for cash and medical assistance for children programs.

- (1) For cash assistance: Age of the child is verified prior to approval.

(2) For medical assistance for children: Age of the child is verified to determine if the child is under the specified age limit.

B. Age of adults: Age of adult members is verified in the following circumstances if age is questionable:

- (1) SNAP:
 - (a) if the individual is claiming a medical deduction on the basis of age (60 and over); or
 - (b) if the individual is working and income is being disregarded due to age (under age 18).
- (2) Cash assistance:
 - (a) if the parent/caretaker relative is being considered for work program participation on the basis of being a minor parent and the parent claims to be age 20 or over;
 - (b) if the parent is living in their parent's home and is claiming emancipation on the basis of age (18 or over);
 - (c) if the parent/caretaker relative is not living in their parents' home and cooperation with child support enforcement is an issue due to age of the specified relative (under 18); or
 - (d) if the caretaker relative, parent or other adult member claims exemption from work program participation requirements based on age (60 and over).
- (3) General assistance for the disabled:
 - (a) if the individual is claiming to be 18 or over and evidence is to the contrary; or
 - (b) if the individual is claiming to be under age 65 and evidence is to the contrary.
- (4) Medical assistance for pregnant women:
 - (a) if the pregnant woman is living in her parent's home and is claiming emancipation on the basis of age (18 or over); or
 - (b) if the pregnant woman is under the age of 18 and is not living in her parent's home and cooperation with child support enforcement is an issue.
- (5) Documents that can be used to verify age include:
 - (a) birth certificate;
 - (b) adoption papers or records;
 - (c) hospital or clinic records;
 - (d) church records;
 - (e) baptismal certificate;
 - (f) bureau of vital statistics records;
 - (g) U.S. passport;
 - (h) Indian census records;
 - (i) local government records;
 - (j) immigration and naturalization records;
 - (k) social security records;
 - (l) school records;
 - (m) census records;
 - (n) court support order;
 - (o) physician's statement;
 - (p) juvenile court records;
 - (q) voluntary social service agency records;
 - (r) insurance policy;
 - (s) minister's signed statement;
 - (t) military records;
 - (u) driver's license;
 - (v) additional items as listed on ISD-135, "proof checklist"; or
 - (w) if documentary evidence is not readily available, use other acceptable methods

of verification as in 8.100.130.9 NMAC.

[8.100.130.19 - Rp 8.100.130.19 NMAC, 7/1/2024]

8.100.130.20 NON FINANCIAL VERIFICATION STANDARD - SCHOOL ATTENDANCE:

A. The statement of the parent, specified relative, or caretaker of school attendance for children under 18 years of age is acceptable to verify school attendance for the cash assistance program, unless questionable.

B. Verification of school attendance for all minor unmarried parents and dependent children over 18 years of age is mandatory for the cash assistance program. Documents that can be used to verify school attendance include:

- (1) written statement from school official;
- (2) current report card;
- (3) additional items as listed on ISD 135, “proof checklist”; or
- (4) if the preceding documentary evidence is not readily available, other acceptable methods

of verification are set forth in 8.100.130.9 NMAC.
[8.100.130.20 - Rp 8.100.130.20 NMAC, 7/1/2024]

8.100.130.21 NON FINANCIAL VERIFICATION STANDARD - RELATIONSHIP:

A. Verification of relationship is mandatory in the cash assistance program. The relationship between the parent or other caretaker relative and each child included in the benefit group must be verified.

B. Documents that can be used to verify relationship include:

- (1) birth certificate;
- (2) adoption papers or records;
- (3) Indian census records;
- (4) bureau of vital statistics or local government records;
- (5) DHS records;
- (6) hospital or public health records of birth and parentage;
- (7) baptismal records;
- (8) marriage certificate showing legal marriage between parents;
- (9) court records of parentage such as support orders, divorce decrees, etc.;
- (10) juvenile court records;
- (11) paternity records from CSSD;
- (12) ISD acknowledgment of paternity form;
- (13) CSSD acknowledgment of paternity packet for alleged or non-court ordered determined

parents living with children;

- (14) church records including a statement from a priest, minister, etc.;
- (15) additional items as listed on ISD 135, “proof checklist”; or
- (16) if documentary evidence is not readily available, use other acceptable methods of

verification as set forth in 8.100.130.9 NMAC.

C. The documentary evidence must contain the names of both the child and the specified relative. When the last name of the child differs from the specified relative, the difference must be resolved and documented in the case record. Divorce papers or marriage licenses can be used to help establish the relationship when the child's last name differs from the last name of the specified relative.

(1) If the relative is other than a parent, the relationship must be traced.

(2) In situations involving both parents in the home and the father is not the legal father, where paternity has not been established by operation of law or determined through court order, it will be necessary to establish the relationship of the child to the father by completion of the CSSD acknowledgment of paternity packet.

(3) If the child is living with a relative of the alleged father, it will also be necessary to establish the father-child relationship. The preferred method of proving the relationship will be through acknowledgment of paternity, although other documents will be acceptable means of establishing relationship.
[8.100.130.21 - Rp 8.100.130.21 NMAC, 7/1/2024]

8.100.130.22 NON-FINANCIAL VERIFICATION STANDARDS - OTHER:

A. Fraud conviction for dual state receipt of benefits: The existence of a fraud conviction for simultaneous receipt of benefits from two states is determined based upon client statement on the application form. If ISD receives other information indicating the existence of a dual state benefit fraud conviction, ISD shall verify it by contacting the appropriate authorities.

B. Fleeing felon, probation or parole violator:

(1) Fleeing Felon: An individual determined to be a fleeing felon shall be an ineligible household member. To establish an individual as a fleeing felon ISD must verify that an individual is a fleeing felon. A federal, state, or local law enforcement officer acting in their official capacity must present an outstanding felony arrest warrant that conforms to one of the following national crime information center uniform offense

classification codes, to the department to obtain information on the location of and other information about the individual named in the warrant:

- (a) escape (4901); or
- (b) flight to avoid prosecution, confinement, etc. (4902); or
- (c) flight-escape (4999).

(2) Probation or parole violator: An individual determined a parole or probation violator shall not be considered to be an eligible household member. To be considered a probation or parole violator, an impartial party, as designated by ISD, must determine that the individual violated a condition of their probation or parole imposed under federal or state law and that federal, state, or local law enforcement authorities are actively seeking the individual to enforce the conditions of the probation or parole. Actively seeking is defined as:

- (a) a federal, state, or local law enforcement agency informs ISD that it intends to enforce an outstanding felony warrant or to arrest an individual for a probation or parole violation within 20 days of submitting a request for information about the individual to ISD; or
- (b) a federal, state, or local law enforcement agency presents a felony arrest warrant as provided in Paragraph (1) of Subsection B of this section; or
- (c) a federal, state, or local law enforcement agency states that it intends to enforce an outstanding felony warrant or to arrest an individual for a probation or parole violation within 30 days of the date of a request from ISD about a specific outstanding felony warrant or probation or parole violation.

(3) Certain convicted felons: An individual who is or has been determined to be convicted on or before February 7, 2014, as an adult of the following crimes shall not be eligible for inclusion in the cash assistance benefit group:

- (a) aggravated sexual abuse under section 2241 of title 18, United States Code;
- (b) murder under section 1111 of title 18, United States Code;
- (c) an offense under chapter 110 of title 18, United States Code;
- (d) a federal or state offense involving sexual assault, as defined in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)); or
- (e) an offense under state law determined by the attorney general to be substantially similar to an offense described in clause (i), (ii), or (iii); and
- (f) the individual is not in compliance with the terms of the sentence of the individual or the restrictions under 8.139.400.12 C NMAC.

(4) Response time: ISD shall give the law enforcement agency 20 days to respond to a request for information about the conditions of a felony warrant or a probation or parole violation, and whether the law enforcement agency intends to actively pursue the individual. If the law enforcement agency does not indicate that it intends to enforce the felony warrant or arrest the individual for the probation or parole violation within 30 days of the date of ISD's request for information about the warrant, ISD shall determine that the individual is not a fleeing felon or a probation or parole violator and document the household's case file accordingly. If the law enforcement agency indicates that it does intend to enforce the felony warrant or arrest the individual for the probation or parole violation within 30 days of the date of ISD's request for information, ISD will postpone taking any action on the case until the 30-day period has expired. Once the 30-day period has expired, ISD shall verify with the law enforcement agency whether it has attempted to execute the felony warrant or arrest the probation or parole violator. If it has, ISD shall take appropriate action to deny an applicant or terminate a participant who has been determined to be a fleeing felon or a probation or parole violator. If the law enforcement agency has not taken any action within 30 days, ISD shall not consider the individual a fleeing felon or probation or parole violator, shall document the case file accordingly, and take no further action.

(5) Application processing: ISD shall continue to process the application while awaiting verification of fleeing felon or probation or parole violator status. If ISD is required to act on the case without being able to determine fleeing felon or probation or parole violator status in order to meet the time standards in 7 CFR 273.2(g) or 273.2(i)(3), ISD shall process the application without consideration of the individual's fleeing felon or probation or parole violator status.

[8.100.130.22 - Rp 8.100.130.22 NMAC, 7/1/2024]

8.100.130.23 FINANCIAL VERIFICATION STANDARDS - RESOURCES: The applicant/recipient's statement is acceptable for verification of resources unless the household is near the resource maximum limit and the information given is not questionable. If information is questionable, inconsistent or the household is near the maximum; ISD must clearly document why the household's statement was questionable in the case record and request additional verification. When further information or verification is requested the following items shall be

acceptable:

A. Bank accounts (checking, savings, certificates of deposit, savings bond, or Keogh's). Documents which may be used to verify bank or financial institution accounts include:

- (1) current bank statement;
- (2) statement from the bank or institution showing the value of the resource or the penalties for early withdrawal of deposit showing the total value and the penalty for early withdrawal;
- (3) savings bond(s) showing total value and statement from bank/institution of penalty for early withdrawal;
- (4) additional items as listed in ISD 135, "proof checklist"; or
- (5) if documentary evidence is not readily available, use other acceptable methods of verification as set forth in 8.100.130.9 NMAC.
- (6) Joint bank accounts: see appropriate program chapter for proper verification requirements.

B. Stocks and bonds: Documents which may be used to verify the value of stocks or bonds include:

- (1) newspaper publications of the stock exchange;
- (2) statement from the stock broker;
- (3) additional items as listed in ISD 135, "proof checklist"; or
- (4) if documentary evidence is not readily available, use other acceptable methods of verification as in 8.100.130.9 NMAC.

C. Life insurance: Documents which may be used to verify the cash surrender value of life insurance include:

- (1) insurance policy;
- (2) statement from the insurance company, insurance agent, lodges or fraternal organizations;
- (3) statement from the union or employer who provide the insurance;
- (4) statement from the veteran's administration;
- (5) additional items as listed in ISD 135, "proof checklist"; or
- (6) if documentary evidence is not readily available, use other acceptable methods of verification as in 8.100.130.9 NMAC;
- (7) if the cash surrender value of the life insurance policy makes the applicant/recipient ineligible, liens against the insurance shall be explored; this will be done through use of acceptable methods of verification set forth in 8.100.130.9 NMAC; the cash surrender value of life insurance is necessary in programs only where it is countable.

D. Real estate contracts, purchase contracts: Documents which may be used to verify the value of real estate or purchase contracts include:

- (1) statement from a bank or financial institution, commodity broker, real estate agent, or expert in the field of real estate contracts or purchase contracts;
- (2) additional items as listed in ISD 135, "proof checklist"; or
- (3) if documentary evidence is not readily available, use other acceptable methods of verification as in 8.100.130.9 NMAC.

E. Non-recurring lump sum payment: Documents which may be used to verify a nonrecurring lump-sum payment include:

- (1) statement from a company, agency or organization that provided payment;
- (2) copy of a check or check stub;
- (3) award letters;
- (4) statement from an attorney;
- (5) additional items as listed in ISD 135, "proof checklist"; or
- (6) if documentary evidence is not readily available, use other acceptable methods of verification as in 8.100.130.9 NMAC.

F. Tools and equipment: Documents which may be used to verify the value of tools and equipment include:

- (1) recent sales slips;
- (2) insurance or tax appraisals;
- (3) catalogs or newspaper ads;
- (4) statement from a bank, broker, local merchant or expert on tools and equipment;
- (5) additional items as listed in ISD 135, "proof checklist"; or
- (6) if documentary evidence is not readily available, use other acceptable methods of

verification as in 8.100.130.9 NMAC.

G. Real property: Documents which may be used to verify the value of real property the applicant/recipient does not use include:

- (1) a written statement from a real estate agent or broker stating the fair market value of property;
- (2) statement from a bank or financial institution stating value and equity;
- (3) additional items as listed in ISD 135, "proof checklist"; or
- (4) if documentary evidence is not readily available, use other acceptable methods of

verification as in 8.100.130.9 NMAC.

[8.100.130.23 - Rp 8.100.130.23 NMAC, 7/1/2024]

8.100.130.24 FINANCIAL VERIFICATION STANDARDS - UNEARNED INCOME: Verification of income is mandatory for all programs.

A. Social security benefits (OASDI, SSI): Documents which may be used to verify OASDI/SSI benefits include:

- (1) award letter (Form SSA 1610);
- (2) copy of a check(s) - amount of medicare premium must be added in;
- (3) letter from SSA;
- (4) direct deposit receipt - amount of medicare premium must be added in;
- (5) additional items as listed in ISD 135, "proof checklist"; or
- (6) if documentary evidence is not readily available or is questionable, a collateral contact with the social security administration (TPQY) may be selected as verification of OASDI/SSI or use other acceptable methods of verification as set forth in 8.100.130.9 NMAC.

B. Veteran's benefits: Documents which may be used to verify veteran's benefits include:

- (1) award letter;
- (2) copy of a check(s);
- (3) written verification from a regional VA office;
- (4) direct deposit receipt(s);
- (5) additional items as listed in ISD 135, "proof checklist"; or
- (6) if documentary evidence is not readily available or is questionable, a collateral contact with the veteran's administration may be selected as verification of veteran's benefits use other acceptable methods of verification as in 8.100.130.9 NMAC.

C. Railroad retirement benefits: Documents which may be used to verify railroad retirement benefits include:

- (1) award letter;
- (2) copy of a check;
- (3) letter from SSA;
- (4) direct deposit receipt;
- (5) additional items as listed in ISD 135, "proof checklist"; or
- (6) if documentary evidence is not readily available or is questionable, a collateral contact with the regional director of retirement claims may be selected as verification of railroad retirement benefits or use acceptable methods of verification as in 8.100.130.9 NMAC.

D. Military allotments: Documents which may be used to verify military allotment include:

- (1) written statement from the appropriate military service center;
- (2) copy of the allotment authorization;
- (3) copy of a check;
- (4) direct deposit receipt;
- (5) additional items as listed in ISD 135, "proof checklist"; or
- (6) if documentary evidence is not readily available or is questionable, a collateral contact with the appropriate military service center may be selected as verification of a military allotment or use other acceptable methods of verification as set forth in 8.100.130.9 NMAC.

E. Workers' compensation benefits: Documents which may be used to verify worker's compensation include:

- (1) employer's statement;
- (2) written statement from workers' compensation administration;
- (3) written statement from insurance company;

(4) additional items as listed in ISD 135, "proof checklist"; or
(5) if documentary evidence is not readily available or is questionable, a collateral contact with the New Mexico department of workforce solutions (NMDWS) or with the insurance company may be selected as verification of workers' compensation benefits or use other acceptable methods of verification as set forth in 8.100.130.9 NMAC.

F. Unemployment compensation benefits (UCB): Verification of unemployment compensation benefits should first be explored through the NMDWS web link. If it is not available through the NMDWS web link, the following documents may be used to verify UCB include:

- (1) award letter;
- (2) copy of a check;
- (3) statement from the New Mexico DWS;
- (4) additional items as listed in ISD 135, "proof checklist"; or
- (5) if documentary evidence is not readily available, a collateral contact with the NMDWS

may be selected as verification of unemployment compensation benefits or use other acceptable methods of verification as set forth in 8.100.130.9 NMAC.

G. Child/spousal support: Verification of child or spousal support should first be explored through the CSSD automated system. If verification is not available through the CSSD system, documents which may be used include:

- (1) written statement from the contributor;
- (2) written statement from the court;
- (3) copy of a check or a canceled check;
- (4) divorce or separation decree;
- (5) court order;
- (6) support agreement;
- (7) correspondence from the contributor regarding support payments;
- (8) court records;
- (9) attorney's records;
- (10) income tax return from the prior year;
- (11) employer's record of attached wages;
- (12) additional items as listed in ISD 135, "proof checklist"; or
- (13) if documentary evidence is not readily available or is questionable, a collateral contact

may be selected to verify child/spousal support or use other acceptable methods of verification as set forth in 8.100.130.9 NMAC;

(14) no contact with the absent parent shall be made without the consent of the applicant/recipient. If good cause for failure to cooperate with CSSD has been filed, contact with the absent parent must not be made.

H. Educational scholarships, grants or loans: Documents which may be used to verify amounts of an educational scholarship, grant, or loan include:

- (1) financial aid award letter or a budget sheet from the institution;
- (2) written statement from the institution;
- (3) written statement from veteran's administration;
- (4) additional items as listed in ISD 135, "proof checklist";
- (5) as educational expenses are deducted from the educational scholarship, grant or loan, it
- (6) if documentary evidence is not readily available or is questionable, a collateral contact

will be necessary to obtain verification of the expenses; verification may be obtained from the institution; or with the institution may be selected as verification of an education scholarship, grant or loan or use other acceptable methods of verification as set forth in 8.100.130.9 NMAC.

I. Non-recurring lump sum: See Subsection E of 8.100.130.23 NMAC.

J. Contributions: Documents which may be used to verify contributions include:

- (1) written statement from the contributor;
- (2) additional items as listed in ISD 135, "proof checklist"; or
- (3) if documentary evidence is not readily available or is questionable, a collateral contact

with the contributor may be selected as verification of a contribution or use other acceptable methods of verification as set forth in 8.100.130.9 NMAC.

K. Loans: Verification of a loan must contain the name of the person making the loan, the amount of the loan, date the loan was made and the repayment arrangement for the loan. Documents which may be used to

verify loans include:

- (1) written statement from the person or organization making the loan;
- (2) promissory note;
- (3) loan agreement;
- (4) additional items as listed in ISD 135, "proof checklist"; or
- (5) if documentary evidence is not readily available or is questionable, a collateral contact

with the person or organization making the loan may be selected as verification of a loan or use other acceptable methods of verification as set forth in 8.100.130.9 NMAC.

L. Individual development accounts (IDA):

(1) The IDA is verified by reviewing the trust documents creating the IDA and documents verifying deposits and withdrawals from the account during the period since the previous certification. The trust documents must show the terms and conditions governing the IDA, including withdrawal provisions.

(2) ISD shall review deposits and withdrawals to ensure that no funds are being withdrawn except for those allowed under IDA policy and to ensure that the individual was employed during the time that any deposits were made.

[8.100.130.24 NMAC - Rp 8.100.130.24 NMAC, 7/1/2024]

8.100.130.25 FINANCIAL VERIFICATION STANDARDS - EARNED INCOME:

A. Wages and salaries: Documents which may be used to verify current wages and salaries include:

- (1) wage stubs;
- (2) written statement from the employer;
- (3) additional items as listed in ISD 135, "proof checklist"; or
- (4) if documentary evidence is not readily available or is questionable, a collateral contact

with the employer may be selected as verification of wages and salaries or use other acceptable methods of verification as set forth in 8.100.130.9 NMAC.

B. Self-employment: Verification of required tax and employer identification numbers, and tax-related and employer-related forms that the applicant/recipient was required to file is mandatory. It may not be possible to verify self-employment income through any single document. Documents which are used to verify self-employment income include:

- (1) required state and federal tax and employer identification numbers;
- (2) required federal and state tax forms for the current and prior tax year, including state and federal income and employer wage reporting and withholding reporting forms, gross receipts and occupation tax reporting forms;
- (3) bills which indicate self-employment costs;
- (4) other papers showing income and business expenses;
- (5) all required business and occupation licenses;
- (6) completed personal wage record;
- (7) additional items as listed in ISD 135, "proof checklist"; or
- (8) if documentary evidence of non-mandatory documents is not readily available, use other

acceptable methods of verification as in 8.100.130.9 NMAC.

[8.100.130.25 NMAC - Rp 8.100.130.25 NMAC, 7/1/2024]

8.100.130.26 DEDUCTIONS/ALLOWANCES VERIFICATION STANDARDS - SHELTER:

A. The applicant/recipient's statement is acceptable for verification of shelter expenses, if the information given is not questionable. If information is questionable or inconsistent; ISD must clearly document why the household's statement was unacceptable and what information requires additional verification. When further information or verification is requested the following items shall be acceptable:

(1) An obligation to pay for shelter is considered a deduction for SNAP. If the expense is questionable and verification of a shelter expense is requested and not provided, SNAP benefits will be determined without allowing a deduction for shelter expenses. When further verification is requested, documents which may be used to verify an obligation to pay for shelter include:

- (a) mortgage payment book;
- (b) written statement from the bank or other financial institution;
- (c) rent receipt;
- (d) written statement from the landlord;
- (e) lease agreement;

- (f) copies of bills for property taxes or house insurance;
- (g) correspondence with the taxing authority or insurance agency; or
- (h) additional items as listed on ISD 135 “proof checklist”.

(2) If documentary evidence is not readily available or is questionable, a collateral contact may be selected to verify the obligation to pay shelter or use other acceptable methods of verification as set forth in 8.100.130.9 NMAC.

B. Utilities: The applicant/recipient’s statement is acceptable for verification of utility expenses, if the information given is not questionable. If information is questionable or inconsistent; ISD must clearly document why the household’s statement was unacceptable and what information requires additional verification. Documents which may be used to verify an obligation to pay for utilities include:

- (1) utility bills;
- (2) rent receipt, lease agreement, or written statement from the landlord showing the household is responsible for payment of utilities;
- (3) written statement from a utility provider;
- (4) additional items as listed on ISD 135 “proof checklist”; or
- (5) if documentary evidence is questionable, a collateral contact with the landlord or the utility provider may be selected to verify the obligation to pay for utilities or use other acceptable methods of verification as set forth in 8.100.130.9 NMAC.

[8.100.130.26 NMAC - Rp 8.100.130.26 NMAC, 7/1/2024]

8.100.130.27 DEDUCTIONS/ALLOWANCES VERIFICATION STANDARDS - MEDICAL EXPENSES:

A. Verification of medical expenses is mandatory for SNAP if the applicant/recipient meets one of the criteria listed below. The applicant/recipient’s statement that no reimbursement will be received will be accepted unless questionable. If the household claims a reimbursement, a deduction cannot be allowed until the un-reimbursed portion of the expense is verified.

- (1) the individual claiming the medical expense is age 60 or older or disabled; and
- (2) the amount of the medical expenses exceeds \$35; or
- (3) allowance of the medical expenses would potentially result in a deduction;
- (4) failure to provide verification of medical expenses will result in a determination of

eligibility and amount of benefits without considering medical expenses.

B. Documents which may be used to verify a medical expense include:

- (1) current bill;
- (2) monthly statement from the provider;
- (3) medical insurance policy;
- (4) appointment cards, travel receipts (lodging and transportation) to verify travel costs associated with obtaining medical care;
- (5) additional items as listed in ISD 135 “proof checklist”; or
- (6) if documentary evidence is questionable, a collateral contact with the landlord or the utility provider may be selected to verify the obligation to pay for utilities or use other acceptable methods of verification as set forth in 8.100.130.9 NMAC.

[8.100.130.27 NMAC - Rp 8.100.130.27 NMAC, 7/1/2024]

8.100.130.28 DEDUCTIONS/ALLOWANCES VERIFICATION STANDARDS - DEPENDENT CARE:

A. The applicant/recipient’s statement is acceptable for verification of dependent care expenses, if the information given is not questionable. If information is questionable or inconsistent; ISD must clearly document why the household’s statement was unacceptable and why information requires additional verification.

B. Documents which may be used to verify dependent care costs:

- (1) current bill;
- (2) written statement from the provider;
- (3) additional items as listed in ISD 135 “proof checklist”; or
- (4) if documentary evidence is not readily available, or is questionable a collateral contact

with the care provider may be used as verification of dependent care costs or use other acceptable methods of verification as set forth in 8.100.130.9 NMAC.

[8.100.130.28 NMAC - Rp 8.100.130.28 NMAC, 7/1/2024]

HISTORY OF 8.100.130 NMAC:

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ISD Rule 160, Eligibility and Verification Standards, 9/15/1993.

History of Repealed Material:

8 NMAC 3.ISD.130, General Operating Policies, Eligibility/Verification Standards, filed 6/16/1997 - Repealed, 7/1/1997.

8.100.130 NMAC, General Operating Policies - Eligibility and Verification Standards, filed 3/26/2001 - Repealed, 8/1/2008.

8.100.130 NMAC, General Operating Policies - Eligibility and Verification Standards, filed 7/17/2008 - Repealed NMAC effective, 7/1/2024.

Other: 8.100.130 NMAC, General Operating Policies - Eligibility and Verification Standards, filed 7/17/2008 - Replaced by 8.100.130 NMAC, General Operating Policies - Eligibility and Verification Standards effective, 7/1/2024.