

TITLE 8 SOCIAL SERVICES
CHAPTER 100 GENERAL PROVISIONS FOR PUBLIC ASSISTANCE PROGRAMS
PART 140 GENERAL OPERATING POLICIES CASE FILES

8.100.140.1 ISSUING AGENCY: New Mexico Health Care Authority.
[8.100.140.1 NMAC - Rp, 8.100.140.1 NMAC, 11/27/2013; A, 7/1/2024]

8.100.140.2 SCOPE: The rule applies to the general public.
[8.100.140.2 NMAC - Rp, 8.100.140.2 NMAC, 11/27/2013]

8.100.140.3 STATUTORY AUTHORITY:

A. Section 27 NMSA 1978 (1992 Repl.) provides for the department 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 ~~[HSD]~~ 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 as a single, unified department to administer laws and exercise functions relating to health care facility licensure and health care purchasing and regulation.

[8.100.140.3 NMAC - Rp, 8.100.140.3 NMAC, 11/27/2013 A, 7/1/2024]

8.100.140.4 DURATION: Permanent.

[8.100.140.4 NMAC - Rp, 8.100.140.4 NMAC, 11/27/2013]

8.100.140.5 EFFECTIVE DATE: November 27, 2013, unless a later date is cited at the end of a section.

[8.100.140.5 NMAC - Rp, 8.100.140.5 NMAC, 11/27/2013]

8.100.140.6 OBJECTIVE: The objective of these regulations is to provide general policy and procedures for the ISD administered programs.

[8.100.140.6 NMAC - Rp, 8.100.140.6 NMAC, 11/27/2013]

8.100.140.7 DEFINITIONS: [Reserved]

8.100.140.8 PURPOSE OF CASE FILES

A. ISD case records consisting of forms, records, narrative material, correspondence, and documents are scanned into electronic format and maintained in the department's secure electronic data management system. Documents submitted in person will be electronically scanned and returned to the individual. Original documents mailed to or left with the office will be photocopied and the originals mailed back to the client at his/her last known address known to the department. The copied documents will be electronically scanned and destroyed once successful completion of a scan into electronic format is confirmed. The case record documents the current and historical eligibility of a recipient group and thereby to establish the validity of decisions to approve or deny assistance.

B. Case records are the property of the department and are established and maintained solely for use in the public assistance programs administered by the department. Information contained in the case records is confidential and is released only under the limited circumstances and conditions as provided in federal and state laws and regulations, including 8.100.100 NMAC, Sections 13 through 15. Case records and their contents must remain in the possession of the department, its contractors, or approved federal employees. Copies of case records may be released in accordance with federal and state laws and regulations or pursuant to a court order.

C. Electronic eligibility system information: Client information stored on the department's electronic eligibility system is subject to the same guidelines for release of information as the department's case record.

[8.100.140.8 NMAC - Rp, 8.100.140.8 NMAC, 11/27/2013]

8.100.140.9 CONTENT OF CASE NARRATIVE: The following narrative outline is used on all applications for assistance, and to record data and verification concerning all variable conditions of eligibility. After the initial determination of eligibility for assistance, no additional data are required in redeterminations except for those eligibility conditions which are subject to change.

A. The case narrative is used for the comprehensive recording of relevant factual information in the case record. Narrative entries must be made promptly, with dates of relevant contacts.

B. Recorded information should be limited to items which are applicable to the case, such as changes in eligibility factors since the last review. Information which does not change, such as social security numbers, is not repeated.

C. The items below are intended as a minimum requirement for case narratives. Each county office manager has the privilege of expanding it at his/her discretion.

[8.100.140.9 NMAC - Rp, 8.100.140.9 NMAC, 11/27/2013]

8.100.140.10 ESSENTIAL INFORMATION AT INITIAL DETERMINATION

A. Heading: Case name and number.

B. Application and intake:

(1) date of application, program applied for and reason for application stated in terms of the client's circumstances;

(2) documentation of worker's explanation of client's rights and responsibilities;

(3) names of individuals for whom application is being made.

C. Basic eligibility factors: Explanation of how each basic eligibility factor has been established, including: residence; non-transfer of property; school attendance; nonconcurrent receipt of assistance; living in the home of the specified relative; citizenship; parentage; and age.

D. Child support enforcement division (CSED) cooperation: Status of cooperation with the CSED.

E. Enumeration: Status of enumeration (social security number) of each person.

F. Retroactive medicaid status: Status of eligibility for retroactive medicaid requested by applicant.

G. Work program status:

(1) current work program participation status, work participation agreement, assessment certification or copy of assessment and individual responsibility plan for each benefit group member subject to work program requirements;

(2) disability determination request for applying for limited work participation status;

(3) determination of limited work participation status request;

(4) any other work program related documentation.

H. Medical resources - third party liability: Verification of third party liability that includes the name(s) of the private health insurance, type of available coverage, name of each insured individual(s), the policy and group number for each insured individual, and other information, as needed, in accordance with federal and state laws and regulations.

I. Need:

(1) documentation and discussion of all pertinent factors relating to the condition of eligibility;

(2) list of amounts, verifications and dates of income and resources by individual;

(3) explanation of earned income computations.

J. Shelter (for applicable programs): Documentation of shelter information, including whether housing is subsidized by the government.

K. SNAP: Status of the certification. Explanation of circumstances affecting SNAP certification.

L. Disposition of application: Effective date of approval/denial. Reference to appropriate manual section for denials.

M. Follow-up: Necessary follow-ups.

[8.100.140.10 NMAC - Rp, 8.100.140.10 NMAC, 11/27/2013]

8.100.140.11 REDETERMINATION/RECERTIFICATION

A. date of interview and how household composition or living arrangements are established;

B. documentation of school attendance of children in benefit group;

C. documentation of current resources and income; accounting for all formerly reported income and resources;

D. updated information on non-custodial parents and status of cooperation with the CSED;

E. review of work and work program participation and planning;

F. disposition of SNAP certification; and

G. list of necessary follow-ups.
[8.100.140.11 NMAC - Rp, 8.100.140.11 NMAC, 11/27/2013]

History of 8.100.140 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center:
ISD Rule 131, Administrative Policy, filed 2/10/1988.

History of Repealed Material:

8 NMAC 3.ISD.140, General Operating Policies, Case Files, filed 6/16/1997 - Repealed effective 7/1/1997.
8.100.140 NMAC, General Operating Policies Case Files, filed 3/26/2001 - Repealed effective 11/27/2013.