

TITLE 8 SOCIAL SERVICES
CHAPTER 106 STATE FUNDED ASSISTANCE PROGRAMS
PART 610 DESCRIPTION OF PROGRAM/BENEFITS - BENEFIT DELIVERY

8.106.610.1 ISSUING AGENCY: New Mexico Health Care Authority.
[8.106.610.1 NMAC - N, 07/01/2004; A, 7/1/2024]

8.106.610.2 SCOPE: The rule applies to the general public.
[8.106.610.2 NMAC - N, 07/01/2004]

8.106.610.3 STATUTORY AUTHORITY: New Mexico Statutes Annotated 1978 (Chapter 27, Articles 1 and 2) authorize the state to administer the aid to families with dependent children (AFDC), general assistance (GA), shelter care supplement, the burial assistance programs and such other public welfare functions as may be assumed by the state. 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.
[8.106.610.3 NMAC - N, 07/01/2004 ; A, 7/1/2024]

8.106.610.4 DURATION: Permanent.
[8.106.610.4 NMAC - N, 07/01/2004]

8.106.610.5 EFFECTIVE DATE: July 1, 2004, unless a later date is cited at the end of a section.
[8.106.610.5 NMAC - N, 07/01/2004]

8.106.610.6 OBJECTIVE:

A. The objective of general assistance is to provide financial assistance to dependent needy children and disabled adults who are not eligible for assistance under a federally matched financial assistance program such as New Mexico works (NMW) or the federal program of supplemental security income (SSI).

B. The objective of the supplement for residential care program is to provide a cash assistance supplement to SSI recipients who reside in licensed adult residential care homes.

C. The objective of the burial assistance program is to assist in payment of burial expenses for an individual who was a low income individual at the time of death.

[8.106.610.6 NMAC - N, 07/01/2004]

8.106.610.7 DEFINITIONS: [RESERVED]
[8.106.610.7 NMAC - N, 07/01/2004]

8.106.610.8 METHOD OF PAYMENT

A. **EBT:** Cash assistance benefits are issued by deposit of funds into an electronic benefit transfer (EBT) account.

(1) EBT card issuance: EBT account cards shall be issued at time of application to the authorized payee or authorized representative.

(2) Replacement card: The caseworker, the HSD help desk or the contractor customer service help desk shall have a card deactivated upon request of an adult participant in the benefit group or authorized payee. The card will be deactivated immediately and a replacement card provided to the participant. Once a card is deactivated it cannot be reactivated for any reason.

B. Authorizing and issuing payments:

(1) Payment authorization: Cash payments are authorized when action is taken to approve a cash payment for a benefit group.

(2) Payment issuance: Payments are prorated from the date of authorization or from the 30th day after the day of application, whichever is earlier.

(a) If the case was eligible in a month prior to the month of approval, but is not eligible for payment in the month following approval, the benefit group is not eligible for payment in any of these months.

(b) **Ongoing monthly issuance:** Ongoing cash assistance payments are authorized in the regular monthly issuance process.

(3) **Whereabouts unknown:** Eligibility shall be terminated if the whereabouts of the benefit group are unknown to the department. A benefit group's whereabouts shall be considered to be unknown if:

(a) mail sent to the last known address is returned to the department indicating that the benefit group no longer lives at that address and at least 30 days have passed since the caseworker sent the mail; or

(b) the benefit group does not make any withdrawals from the benefit group's EBT account for 60 days or more.

C. **EBT transactions:** EBT transactions shall not be in any liquor store; any casino, gambling establishment; or any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state for entertainment.

[8.106.610.8 NMAC - N, 07/01/2004; A, 02/28/2007, A/E, 01/30/2009; A, 03/31/2009; A, 07/01/2009; A, 12/01/2009; A, 04/01/2014]

8.106.610.9 CHANGE OF PAYEE: Change of name or payee: Whenever there is a change in a recipient's name or in the payee's name the caseworker shall immediately make the appropriate changes.

A. **New caretaker of an unrelated dependent child:**

(1) If a new caretaker assumes responsibility for an unrelated dependent child in a case, the case shall be closed and a new application processed.

(2) If the new caretaker is already has an active cash assistance case for other dependent children, the cash assistance case for the children being transferred shall be closed, and the children added to the existing benefit group.

B. **Payee change after benefits are issued:** Cash assistance benefits have been posted to an EBT account, the EBT account can be accessed by another family member through authorization of a new PIN under the old account.

C. **Changes in name or payee are made when:**

(1) a payee legally changes his or her name and the change has been processed through the social security administration;

(2) a legal guardian is appointed or dismissed;

(3) the parent of an incompetent adult recipient begins to serve as natural guardian; or

(4) there is a change of caretaker for an unrelated dependent child.

[8.106.610.9 NMAC - N, 02/27/2007; 8.106.610.9 NMAC - N, 12/01/2009]

8.106.610.10 [RESERVED]

[8.106.610.10 NMAC - Rp, 8.106.610.9 NMAC, 12/01/2009; Repealed, 3/1/2020]

History of 8.106.610 NMAC: [RESERVED]