

**TITLE 8 SOCIAL SERVICES**  
**CHAPTER 280 MEDICAID ELIGIBILITY - PROGRAM OF ALL INCLUSIVE CARE FOR THE ELDERLY (PACE)**  
**PART 500 INCOME AND RESOURCE STANDARDS**

**8.280.500.1 ISSUING AGENCY:** New Mexico Human Services Department.  
[8.280.500.1 NMAC - Rp, 8 NMAC 4.PAC.000.1, 12/1/2006]

**8.280.500.2 SCOPE:** The rule applies to the general public.  
[8.280.500.2 NMAC - Rp, 8 NMAC 4.PAC.000.2, 12/1/2006]

**8.280.500.3 STATUTORY AUTHORITY:** The New Mexico medicaid program is administered pursuant to regulations promulgated by the federal department of health and human services under Title XIX of the Social Security Act, as amended and by the state human services department pursuant to state statute. See Section 27-2-12 et seq. NMSA 1978 (Repl. Pamp. 1991).  
[8.280.500.3 NMAC - Rp, 8 NMAC 4.PAC.000.3, 12/1/2006]

**8.280.500.4 DURATION:** Permanent  
[8.280.500.4 NMAC - Rp, 8 NMAC 4.PAC.000.4, 12/1/2006]

**8.280.500.5 EFFECTIVE DATE:** December 1, 2006, unless a later date is cited at the end of a section.  
[8.280.500.5 NMAC - Rp, 8 NMAC 4.PAC.000.5, 12/1/2006]

**8.280.500.6 OBJECTIVE:** The objective of these regulations is to provide eligibility policy and procedures for the medicaid program.  
[8.280.500.6 NMAC - Rp, 8 NMAC 4.PAC.000.6, 12/1/2006]

**8.280.500.7 DEFINITIONS:** [RESERVED]

**8.280.500.8 MISSION STATEMENT:** To transform lives. Working with our partners, we design and deliver innovative, high quality health and human services that improve the security and promote independence for New Mexicans in their communities.  
[8.280.500.8 NMAC - N, 12/1/2022]

**8.280.500.9 NEED DETERMINATION:** Eligibility for PACE is determined prospectively. Applicants/recipients must meet, or expect to meet, all financial eligibility criteria in the month for which a determination of eligibility is made. Applicants for and recipients of medicaid through PACE must apply for, and take all necessary steps to obtain, any income or resources to which they may be entitled. Such steps must be taken within 30 days of the date the human services department (HSD) furnishes notice of the potential entitlement. Failure or refusal to apply for and take all necessary steps to determine eligibility for other benefits after notice is received results in an applicant/recipient becoming ineligible for medicaid.

**A.** Applicants/recipients who have elected a lower veterans affairs (VA) payment do not need to reapply for veteran's administration improved pension (VAIP) benefits.

**B.** Crime victims are not required to accept victim's compensation payments from a state-administered fund as a condition of medicaid eligibility.

[8.280.500.9 NMAC - Rp, 8 NMAC 4.PAC.500, 12/1/2006; A, 12/1/2022]

**8.280.500.10 RESOURCE STANDARDS:** See 8.281.500.10 NMAC and all following subsections.  
[8.280.500.10 NMAC - Rp, 8 NMAC 4.PAC.510, 12/1/2006]

**8.280.500.11 APPLICABLE RESOURCE STANDARDS:** An applicant/recipient is eligible for medicaid on the factor of resources if countable resources do not exceed \$2,000. See 8.281.500.11 NMAC.  
[8.280.500.11 NMAC - Rp, 8 NMAC 4.PAC.511, 12/1/2006; A, 12/1/2022]

**8.280.500.12 COUNTABLE RESOURCES:** See 8.281.500.12 NMAC.  
[8.280.500.12 NMAC - Rp, 8 NMAC 4.PAC.512, 12/1/2006]

**8.280.500.13 RESOURCE EXCLUSIONS:** See 8.281.500.13 NMAC.  
[8.280.500.13 NMAC - Rp, 8 NMAC 4.PAC.513, 12/1/2006]

**8.280.500.14 ASSET TRANSFERS:** See 8.281.500.14 NMAC for regulations governing transfers of assets. All provisions pertaining to transfers under institutional care medicaid apply to transfers under PACE with the exception of the penalty for transfers without fair return. The penalty for transfers of assets without fair return for PACE applicants/recipients is ineligibility for medicaid under PACE.  
[8.280.500.14 NMAC - Rp, 8 NMAC 4.PAC.515, 12/1/2006]

**8.280.500.15 TRUSTS:** See 8.281.500.15 NMAC.  
[8.280.500.15 NMAC - Rp, 8 NMAC 4.PAC.517, 12/1/2006]

**8.280.500.16 RESOURCE STANDARDS FOR MARRIED COUPLES:** See 8.281.500.16 NMAC for spousal impoverishment methodology used in the determination of eligibility for married applicants/recipients with a spouse in the home who began receiving PACE services on or after September 30, 1989. A resource assessment is completed as of the first moment of the first day of the month in which the level of care is approved.  
[8.280.500.16 NMAC - Rp, 8 NMAC 4.PAC.518, 12/1/2006]

**8.280.500.17 DEEMING RESOURCES:** Not applicable to PACE.  
[8.280.500.17 NMAC - Rp, 8 NMAC 4.PAC.519, 12/1/2006]

**8.280.500.18 INCOME:** An applicant/recipients gross countable monthly income must be less than the maximum allowable monthly income standard. See 8.281.500.18 NMAC.  
[8.280.500.18 NMAC - Rp, 8 NMAC 4.PAC.520, 12/1/2006]

**8.280.500.19 INCOME STANDARDS:** See 8.281.500.19 NMAC.  
[8.280.500.19 NMAC - Rp, 8 NMAC 4.PAC.521, 12/1/2006]

**8.280.500.20 UNEARNED INCOME:** See 8.281.500.20 NMAC.  
[8.280.500.20 NMAC - Rp, 8 NMAC 4.PAC.522, 12/1/2006]

**8.280.500.21 DEEMED INCOME:** See 8.281.500.21 NMAC.  
[8.280.500.21 NMAC - Rp, 8 NMAC 4.PAC.523, 12/1/2006]

**8.280.500.22 DISREGARDS:** See 8.281.500.22 NMAC.  
[8.280.500.22 NMAC - Rp, 8 NMAC 4.PAC.525, 12/1/2006]

**8.280.500.23 MEDICAL CARE CREDIT:** There are medical care credits in PACE only when a PACE recipient enters a nursing facility. See 8.281.500.22 NMAC.  
[8.280.500.23 NMAC - Rp, 8 NMAC 4.PAC.530, 12/1/2006; A, 12/1/2022]

#### **HISTORY OF 8.280.500 NMAC:**

##### **History of Repealed Material:**

8 NMAC 4.PAC.500, Income and Resource Standards, filed 1/20/1998 - Repealed effective 12/1/2006.