

**TITLE 8            SOCIAL SERVICES**  
**CHAPTER 292    MEDICAID ELIGIBILITY - PARENT CARETAKER**  
**PART 400        RECIPIENT REQUIREMENTS**

**8.292.400.1        ISSUING AGENCY:** New Mexico Health Care Authority.  
[8.292.400.1 NMAC - Rp, 8.292.400.1 NMAC, 1/1/2014; A, 7/1/2024]

**8.292.400.2        SCOPE:** The rule applies to the general public.  
[8.292.400.2 NMAC - Rp, 8.292.400.2 NMAC, 1/1/2014]

**8.292.400.3        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 or by state statute. See Section 27-1-12 et seq. NMSA 1978. 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.  
[8.292.400.3 NMAC - Rp, 8.292.400.3 NMAC, 1/1/2014; A, 7/1/2024]

**8.292.400.4        DURATION:** Permanent.  
[8.292.400.4 NMAC - Rp, 8.292.400.4 NMAC, 1/1/2014]

**8.292.400.5        EFFECTIVE DATE:** January 1, 2014, unless a later date is cited at the end of a section.  
[8.292.400.5 NMAC - Rp, 8.292.400.5 NMAC, 1/1/2014]

**8.292.400.6        OBJECTIVE:** The objective of this rule is to provide eligibility guidelines when determining eligibility for the medical assistance division (MAD) medicaid program and other health care programs it administers. Processes for establishing and maintaining this category of eligibility are found in the affordable care general provision chapter located at 8.291.400 NMAC through 8.291.430 NMAC.  
[8.292.400.6 NMAC - Rp, 8.292.400.6 NMAC, 1/1/2014]

**8.292.400.7        DEFINITIONS:** Refer to 8.291.400.7 NMAC.  
[8.292.400.7 NMAC - Rp, 8.292.400.7 NMAC, 1/1/2014]

**8.292.400.8        MISSION:** 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.  
[8.292.400.8 NMAC - Rp, 8.292.400.8 NMAC, 1/1/2014; A, 7/1/2021]

**8.292.400.9        WHO CAN BE A RECIPIENT:** To be eligible, an individual must meet specific eligibility requirements:

**A.** In accordance with 42 Code of Federal Regulations (CFR) 435.4 an individual must be a parent or caretaker relative defined as a relative of a dependent child by blood, adoption, or marriage with whom the child is living, who assumes primary responsibility for the child's care (as may, but is not required to, be indicated by claiming the child as a tax dependent for federal income tax purposes), and who is within the fifth degree of relationship per Subsection C of 8.291.410.12 NMAC.

**B.** In accordance with 42 CFR 435.4 a dependent child is defined as one who meets both of the following criteria:

**(1)** is under the age of 18, or;  
**(2)** is age 18 and a full-time student in secondary school (or equivalent vocational or technical training), if before attaining age 19 the child may reasonably be expected to complete such school or training.

**C.** An individual who meets the eligibility requirements pursuant to 8.291.400 through 8.291.430 NMAC.

**D.** Prior to the parent caretaker individual becoming an eligible recipient, all children listed on an application must meet the following:

**(1)** be evaluated for eligibility for a medicaid program if not already eligible; or

(2) if not medicaid eligible, have current health insurance coverage that meets criteria as a qualified health plan.  
[8.292.400.9 NMAC - Rp, 8.292.400.9 NMAC, 1/1/2014; A, 7/1/2021]

**8.292.400.10 PARENT CARETAKER ASSISTANCE UNIT AND BUDGET GROUP:** To be considered in a parent caretaker assistance unit, an individual must apply and be determined eligible. Individuals living with the parent caretaker who meet criteria in 8.291.430 NMAC are included in the budget group.  
[8.292.400.10 NMAC - Rp, 8.292.400.10 NMAC, 1/1/2014]

**HISTORY OF 8.292.400 NMAC:**

**History of Repealed Material:**

8.292.400 NMAC, Recipient Requirements, filed 9/17/2013 - Duration expired 12/31/2013.