

**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 Human Services Department.  
[8.106.610.1 NMAC - N, 07/01/2004]

**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.  
[8.106.610.3 NMAC - N, 07/01/2004]

**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 30<sup>th</sup> 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 STALE BENEFIT ACCOUNTS:** Stale benefit accounts are those cash assistance benefit accounts that have not been accessed for 90 days from the most recent date of withdrawal.

**A. Offline accounts:** EBT accounts which have not been accessed by the recipient in the last 90 days are considered a stale account. HSD may store stale benefits offline after notification to the household of this action.

(1) **Notification:** The department shall notify the household of this action before storing the benefits in an offline account and provide the necessary steps to reactivate the account.

(2) **Reinstatement:** The participant may contact the department or the HSD EBT help desk, the contractor customer service help desk, or the caseworker and request reinstatement of their EBT account anytime within 180 days from the initial date of benefit activity. Requests from the participant to reinstate any benefit must be received prior to the date of expungement.

**B. Expungement:** Cash assistance benefits which have had no activity for an excess of 180 days will be expunged. All benefits older than 180 days in the account will no longer be accessible to the household. The household loses all rights to all expunged benefits.

(1) **Notification:** The department shall notify the household no less than 45 days prior to the expungement of the cash assistance benefits.

(2) **Payment of claims against household.** The contractor shall notify the department no less than five days prior to expungement of the cash assistance benefits and any cash assistance claims against the household shall be removed from the account and applied to the claims upon expungement.

[8.106.610.10 NMAC - Rp, 8.106.610.9 NMAC, 12/01/2009]

**History of 8.106.610 NMAC:** [RESERVED]