

TITLE 8 SOCIAL SERVICES
CHAPTER 206 MEDICAID ELIGIBILITY - CYFD CHILDREN (CATEGORIES 006, 017, 037, 046, 047, 060, 061, 066 and 086)
PART 600 BENEFIT DESCRIPTION

8.206.600.1 ISSUING AGENCY: New Mexico Human Services Department.
[10-1-94; 8.206.600.1 NMAC - Rn, 8 NMAC 4.CYM.000.1, 9-16-13]

8.206.600.2 SCOPE: The rule applies to the general public.
[10-1-94; 8.206.600.2 NMAC - Rn, 8 NMAC 4.CYM.000.2, 9-16-13]

8.206.600.3 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).
[10-1-94; 8.206.600.3 NMAC - Rn, 8 NMAC 4.CYM.000.3, 9-16-13]

8.206.600.4 DURATION: Permanent
[10-1-94; 8.206.600.4 NMAC - Rn, 8 NMAC 4.CYM.000.4, 9-16-13]

8.206.600.5 EFFECTIVE DATE: October 1, 1994
[10-1-94; 8.206.600.5 NMAC - Rn, 8 NMAC 4.CYM.000.5, 9-16-13]

8.206.600.6 OBJECTIVE: The objective of these regulations is to provide eligibility policy and procedures for the medicaid program.
[10-1-94; 8.206.600.6 NMAC - Rn, 8 NMAC 4.CYM.000.6, 9-16-13]

8.206.600.7 DEFINITIONS: [RESERVED]

8.206.600.8 [RESERVED]

8.206.600.9 BENEFIT DESCRIPTION: An applicant/recipient who is eligible for medicaid under this category is eligible to receive the full range of medicaid-covered services.
[10-1-94; 8.206.600.9 NMAC - Rn, 8 NMAC 4.CYM.600, 9-16-13]

8.206.600.10 BENEFIT DETERMINATION:

A. A written signed application must be made for every approved CYFD medicaid case.
(1) For voluntary placements, the parent(s) or guardian(s) must complete and sign the application on behalf of the child.

(2) For involuntary placements, information should be obtained from the parents. The social worker from CYFD may complete and sign the application on behalf of the child.

B. Applications must be acted on within 45 days of the date of application.
[10-1-94; 8.206.600.10 NMAC - Rn, 8 NMAC 4.CYM.620, 9-16-13]

8.206.600.11 INITIAL BENEFITS: Notice of approval or denial of the application for CYFD medicaid is prepared. If the applicant is ineligible, the denial notice contains the reason for denial and explanation of the applicant's right to request an administrative hearing.
[10-1-94; 8.206.600.11 NMAC - Rn, 8 NMAC 4.CYM.623, 9-16-13]

8.206.600.12 ONGOING BENEFITS: A periodic review to re-establish eligibility for medicaid must be done every six (6) months.
[10-1-94; 8.206.600.12 NMAC - Rn, 8 NMAC 4.CYM.624, 9-16-13]

8.206.600.13 RETROACTIVE BENEFIT COVERAGE: Up to three (3) months of retroactive medicaid coverage can be furnished to applicants who have received medicaid-covered services during the retroactive period and would have met applicable eligibility criteria had they applied during the three (3) months prior to the month of

application [42 CFR Section 435.914]. Retroactive coverage is not available prior to January 1, 1995 to applicants/recipients of Category 060 and 061.

A. **Application for retroactive benefit coverage:** Application for retroactive medicaid can be made by checking “yes” in the “application for retroactive medicaid payments” box on the application/redetermination of eligibility for medicaid assistance (MAD 381) form or by checking “yes” to the question on “Does anyone in your household have unpaid medical expenses in the last three (3) months?” on the application for assistance (ISD 100 S) form. Applications for retroactive medicaid benefits must be made by 180 days from the date of application for assistance. Medicaid-covered services which were furnished more than two (2) years prior to application are not covered.

B. **Approval requirements:** To establish retroactive eligibility, the ISS must verify that all conditions of eligibility were met for each of the three (3) retroactive months and that the applicant received medicaid-covered services. Each month must be approved or denied on its own merits. Retroactive eligibility can be approved on either the ISD2 system (for categories programmed on that system) or on the retroactive medicaid eligibility authorization (ISD 333) form.

C. **Notice:**

(1) Notice to applicant: The applicant must be informed if any of the retroactive months are denied.

(2) Recipient responsibility to notify provider: After the retroactive eligibility has been established, the ISS must notify the recipient that he/she is responsible for informing all providers with outstanding bills of the retroactive eligibility determination. If the recipient does not inform all providers and furnish verification of eligibility which can be used for billing and the provider consequently does not submit the billing within 120 days from the date of approval of retroactive coverage, the recipient is responsible for payment of the bill.

[10-1-94; 8.206.600.13 NMAC - Rn, 8 NMAC 4.CYM.625, 9-16-13]

8.206.600.14 CHANGES IN ELIGIBILITY: Case closure must be effective the month following the month the case ceases to meet any of the financial or non-financial eligibility requirements. Case closure information must be transmitted to the medicaid claims processing contractor within thirty (30) days of closure.

[10-1-94; 8.206.600.14 NMAC - Rn, 8 NMAC 4.CYM.630, 9-16-13]

HISTORY OF 8.206.600 NMAC: [RESERVED]