

**TITLE 8 SOCIAL SERVICES**  
**CHAPTER 242 MEDICAL ASSISTANCE PROGRAM ELIGIBILITY - QUALIFIED DISABLED**  
**INDIVIDUALS WHOSE INCOME EXCEEDS QMB AND SLIMB**  
**PART 500 INCOME AND RESOURCE STANDARDS**

**8.242.500.1 ISSUING AGENCY:** New Mexico Human Services Department (HSD).  
[8.242.500.1 NMAC - Rp, 8.242.500.1 NMAC, 1-1-14]

**8.242.500.2 SCOPE:** The rule applies to the general public.  
[8.242.500.2 NMAC - Rp, 8.242.500.2 NMAC, 1-1-14]

**8.242.500.3 STATUTORY AUTHORITY:** The New Mexico medicaid program and other health care programs are 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 NMSA 1978, Section 27-1-12 et seq.  
[8.242.500.3 NMAC - Rp, 8.242.500.3 NMAC, 1-1-14]

**8.242.500.4 DURATION:** Permanent.  
[8.242.500.4 NMAC - Rp, 8.242.500.4 NMAC, 1-1-14]

**8.242.500.5 EFFECTIVE DATE:** January 1, 2014, unless a later date is cited at the end of a section.  
[8.242.500.5 NMAC - Rp, 8.242.500.5 NMAC, 1-1-14]

**8.242.500.6 OBJECTIVE:** The objective of this rule is to provide specific instructions when determining eligibility for the medicaid program and other health care programs. Generally, applicable eligibility rules are detailed in the medical assistance division (MAD) eligibility policy manual, specifically 8.200.400 NMAC, *General Medicaid Eligibility*. Processes for establishing and maintaining medical assistance eligibility are detailed in the income support division (ISD) general provisions 8.100 NMAC, *General Provisions for Public Assistance Programs*.  
[8.242.500.6 NMAC - Rp, 8.242.500.6 NMAC, 1-1-14]

**8.242.500.7 DEFINITIONS:** [RESERVED]

**8.242.500.8 MISSION:** To reduce the impact of poverty on people living in New Mexico by providing support services that help families break the cycle of dependency on public assistance.  
[8.242.500.8 NMAC - N, 1-1-14]

**8.242.500.9 NEED DETERMINATION:** An applicant or a re-determining recipient for MAD eligibility Category 050 qualified disabled individuals (QD) must apply for and take all necessary actions to obtain any resources to which he or she may be entitled. See 8.215.500 NMAC.  
[8.242.500.9 NMAC - Rp, 8.242.500.9 NMAC, 1-1-14]

**8.242.500.10 RESOURCE STANDARDS:** The total value of an applicant or a re-determining recipient's countable resources must not exceed \$4,000. The resource limit for an applicant or re-determining recipient couple is \$6,000. An applicant or a re-determining recipient with an ineligible spouse is eligible if the couple's countable resources do not exceed \$6,000 at the time resources are deemed. The resource determination is always made as of the first moment of the first day of the month. An applicant or a re-determining recipient is ineligible for any month in which countable resources exceed the current resource standard as of the first moment of the first day of the month. Changes in the value of countable resources during a month do not affect eligibility for that month.  
[8.242.500.10 NMAC - Rp, 8.242.500.10 NMAC, 1-1-14]

**8.242.500.11 RESOURCE TRANSFERS:** The social security administration (SSA) excluded transfer of resources as a factor of eligibility for a non-institutionalized recipient who receives supplemental security income (SSI) benefits. Transfer of resources is not a factor for consideration in categories that use SSI methodology in the eligibility determination.  
[8.242.500.11 NMAC - Rp, 8.242.500.11 NMAC, 1-1-14]

**8.242.500.12 INCOME STANDARDS:** The income ceiling for QD eligibility is 200 percent of the federal income poverty (FPL) guidelines. These guidelines are updated annually effective April 1. See 8.200.520 NMAC and 8.215.500 NMAC.

[8.242.500.12 NMAC - Rp, 8.242.500.12 NMAC, 1-1-14]

**8.242.500.13 UNEARNED INCOME:** Unearned income exclusions: All social security and railroad retirement beneficiaries receive cost of living adjustments (COLAs) in January of each year. The income support specialist (ISS) must disregard the COLA from January through March when determining or re-determining QD eligibility. For re-determinations made in January, February and March or new QD applications registered in January, February or March, the ISS uses the December social security and railroad retirement benefit amounts. For QD applications registered from April through December, total gross income including the new COLA figures are used to determine income and compared to the new April FPL. This exclusion does not apply to other types of income.

[8.242.500.13 NMAC - Rp, 8.242.500.13 NMAC, 1-1-14]

**8.242.500.14 DEEMED INCOME:** If an applicant or a re-determining recipient is married and lives with a spouse, deemed income from the spouse must be considered. See 8.215.500 NMAC.

[8.242.500.14 NMAC - Rp, 8.242.500.14 NMAC, 1-1-14]

**HISTORY OF 8.242.500 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the State Records Center:

MAD Rule 842.00, Qualified Disabled Working Individuals, filed 10-11-90.

MAD Rule 842, Qualified Disabled Working Individuals, filed 6-30-92.

MAD Rule 842, Qualified Disabled Working Individuals, filed 9-26-94.

**History of Repealed Material:**

MAD Rule 842, Qualified Disabled Working Individuals, filed 9-26-94 - Repealed effective 2-1-95.

8.242.500 NMAC, Income and Resource Standards, filed 9-3-13 - Repealed effective 1-1-14.