

TITLE 8 SOCIAL SERVICES
CHAPTER 245 MEDICAID ELIGIBILITY - SPECIFIED LOW INCOME MEDICARE BENEFICIARIES
(SLIMB) (CATEGORY 045)
PART 500 INCOME AND RESOURCE STANDARDS

8.245.500.1 ISSUING AGENCY: New Mexico Human Services Department.
[2/1/95; 8.245.500.1 NMAC - Rn, 8 NMAC 4.SMB.000.1, 12/1/09]

8.245.500.2 SCOPE: The rule applies to the general public.
[2/1/95; 8.245.500.2 NMAC - Rn, 8 NMAC 4.SMB.000.2, 12/1/09]

8.245.500.3 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).
[2/1/95; 8.245.500.3 NMAC - Rn, 8 NMAC 4.SMB.000.3, 12/1/09]

8.245.500.4 DURATION: Permanent
[2/1/95; 8.245.500.4 NMAC - Rn, 8 NMAC 4.SMB.000.4, 12/1/09]

8.245.500.5 EFFECTIVE DATE: February 1, 1995, unless a later date is cited at the end of a section.
[2/1/95; 8.245.500.5 NMAC - Rn, 8 NMAC 4.SMB.000.5 & A, 12/1/09]

8.245.500.6 OBJECTIVE: The objective of this rule is to provide eligibility policy and procedures for the medicaid program.
[2/1/95; 8.245.500.6 NMAC - Rn, 8 NMAC 4.SMB.000.6, 12/1/09; A, 7/15/10]

8.245.500.7 DEFINITIONS: [RESERVED]

8.245.500.8 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.
[8.245.500.8 NMAC - N, 12/1/09; A, 10/1/12]

8.245.500.9 NEED DETERMINATION: SLIMB applicants/recipients must apply for and take all necessary steps to obtain any resources to which they may be entitled.
[2/1/95; 8.245.500.9 NMAC - Rn, 8 NMAC 4.SMB.500, 12/1/09]

8.245.500.10 RESOURCE STANDARDS: The value of an applicant/recipient's countable resources must not exceed the amount set forth in 8.200.510.14 NMAC, *resource amounts for supplemental security income (SSI) related medicare savings programs (QMB and SLIMB/QII)*. The resource limit for an applicant couple is cannot exceed the amount for a couple set forth in 8.200.510.14 NMAC. An applicant/recipient with an ineligible spouse is eligible if the couple's countable resources do not exceed the amount set forth in 8.200.510.14 NMAC, when resources are deemed. A resource determination is always made as of the first moment of the first day of the month. An applicant/recipient is ineligible for any month in which the countable resources exceed the current resource standard as of the first moment of the first day of the month. Changes in the amount of resources during a month do not affect eligibility for that month. See 8.215.500.13 NMAC, *countable resources*, and 8.215.500.14 NMAC, *resource exclusions*, for information on exclusions, disregards, and countable resources.
[2/1/95; 8.245.500.10 NMAC - Rn, 8 NMAC 4.SMB.510 & A, 12/1/09; A, 7/15/10]

8.245.500.11 RESOURCE TRANSFERS: The social security administration excluded transfer of resources as a factor of eligible for non-institutionalized SSI recipients. Transfer of resources is not a factor for consideration in the medicare savings programs.
[2/1/95; 8.245.500.11 NMAC - Rn, 8 NMAC 4.SMB.515& A, 12/1/09]

8.245.500.12 TRUSTS: See 8.281.510 NMAC and following subsections.
[2/1/95; 8.245.500.12 NMAC - Rn, 8 NMAC 4.SMB.520 & A, 12/1/09; 8.245.500.12 NMAC - N, 10/1/12]

8.245.500.13 INCOME STANDARDS: Income standards for this category are at least 100 percent but no more than 120 percent of the federal income poverty guidelines. The federal income poverty guidelines are adjusted annually, effective April 1. See 8.200.520 NMAC, *Income Standards*, and 8.215.500.19 NMAC, *Income Standards*, for information on exclusions, disregards, and countable income. Verification of income must be documented in the case file.

[2/1/95; 8.245.500.13 NMAC - Rn, 8 NMAC 4.SMB.522 & A, 12/1/09; 8.245.500.13 NMAC - Rn, 8.245.500.12 NMAC, 10/1/12]

8.245.500.14 UNEARNED INCOME: Unearned income exclusions: All social security and railroad retirement beneficiaries receive cost of living adjustments (COLAs) in January of each year. The ISD caseworker must disregard the COLA from January through March when (re)determining SLIMB eligibility. For redeterminations made in January, February and March and for new SLIMB applications registered in January, February, or March, the ISD caseworker uses the December social security and railroad retirement benefit amounts. For SLIMB 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 federal poverty levels. This exclusion does not apply to other types of income.

[2/1/95; 8.245.500.14 NMAC - Rn, 8 NMAC 4.SMB.523 & A, 12/1/09; A, 7/15/10; 8.245.500.14 NMAC - Rn, 8.245.500.13 NMAC, 10/1/12]

8.245.500.15 DEEMED INCOME: If an applicant/recipient is a minor who lives with a parent(s), deemed income from the parent(s) must be considered. If an applicant/recipient is married and lives with a spouse, deemed income from the spouse must be considered. See 8.215.500.21 NMAC, *Deemed Income*, for information on deemed income.

[8.245.500.15 NMAC - Rn, 8.245.500.14 NMAC, 10/1/12]

HISTORY OF 8.245.500 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center: MAD Rule 843, Specified Low Income Medicare Beneficiaries, filed 9/26/94.

History of Repealed Material: MAD Rule 843, Specified Low Income Medicare Beneficiaries, filed 9/26/94 - Repealed effective 2/1/95.