

**TITLE 8 SOCIAL SERVICES**  
**CHAPTER 294 MEDICAID ELIGIBILITY - PREGNANCY-RELATED SERVICES**  
**PART 400 RECIPIENT REQUIREMENTS**

**8.294.400.1 ISSUING AGENCY:** New Mexico Human Services Department (HSD).  
[8.294.400.1 NMAC - Rp, 8.294.400.1 NMAC, 1/1/2014]

**8.294.400.2 SCOPE:** The rule applies to the general public.  
[8.294.400.2 NMAC - Rp, 8.294.400.2 NMAC, 1/1/2014]

**8.294.400.3 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 NMSA 1978, Section 27-1-12 et seq.  
[8.294.400.3 NMAC - Rp, 8.294.400.3 NMAC, 1/1/2014]

**8.294.400.4 DURATION:** Permanent.  
[8.294.400.4 NMAC - Rp, 8.294.400.4 NMAC, 1/1/2014]

**8.294.400.5 EFFECTIVE DATE:** January 1, 2014, unless a later date is cited at the end of a section.  
[8.294.400.5 NMAC - Rp, 8.294.400.5 NMAC, 1/1/2014]

**8.294.400.6 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.  
[8.294.400.6 NMAC - Rp, 8.294.400.6 NMAC, 1/1/2014]

**8.294.400.7 DEFINITIONS:** Refer to 8.291.400.7 NMAC.  
[8.294.400.7 NMAC - Rp, 8.294.400.7 NMAC, 1/1/2014]

**8.294.400.8 [RESERVED]**  
[8.294.400.8 NMAC - Rp, 8.294.400.8 NMAC, 1/1/2014; A, 10/1/2017]

**8.294.400.9 WHO CAN BE A RECIPIENT:** To be eligible, a woman must meet the following eligibility requirements:

- A.** Per 42 CFR 435.956(e) HSD accepts self-attestation of pregnancy unless HSD has reason to believe the information is questionable as defined in 8.100.130.12 NMAC.
- B.** a woman who meets all affordable care act (ACA) eligibility requirements pursuant to 8.291.400 through 8.291.430 NMAC; and
- C.** the existence of creditable health insurance is not a disqualifying factor.

[8.294.400.9 NMAC - Rp, 8.294.400.9 NMAC, 1/1/2014; A, 10/1/2017]

**8.294.400.10 BASIS FOR DEFINING THE ASSISTANCE UNIT AND BUDGET GROUP:** At time of application, an applicant or recipient and the department shall identify everyone who is to be considered for inclusion in the assistance unit and budget group as defined in 8.291.430 NMAC. Each member of the assistance unit and budget group, including any unborn child(ren), is counted as one in the household size.  
[8.294.400.10 NMAC - Rp, 8.294.400.10 NMAC, 1/1/2014]

**8.294.400.11 PREGNANCY ASSISTANCE UNIT:** The assistance unit is the pregnant woman who applies for medicaid and for whom an eligibility determination is made.  
[8.294.400.11 NMAC - Rp, 8.294.400.11 NMAC, 1/1/2014]

**8.294.400.12 BUDGET GROUP:** The budget group is established in accordance with 8.291.430 NMAC.  
[8.294.400.12 NMAC - Rp, 8.294.400.12 NMAC, 1/1/2014]

**HISTORY OF 8.294.400 NMAC:**

**History of Repealed Material:**

8.294.400 NMAC, Recipient Requirements, filed 9-17-13 - Duration expired 12/31/2013.