

**TITLE 8 SOCIAL SERVICES**  
**CHAPTER 215 MEDICAID ELIGIBILITY - SUPPLEMENTAL SECURITY INCOME (SSI)**  
**METHODOLOGY**  
**PART 400 RECIPIENT POLICIES**

**8.215.400.1 ISSUING AGENCY:** New Mexico Human Services Department.  
[8.215.400.1 NMAC - Rp, 8.215.400.1 NMAC, 1/1/2019]

**8.215.400.2 SCOPE:** The rule applies to the general public.  
[8.215.400.2 NMAC - Rp, 8.215.400.2 NMAC, 1/1/2019]

**8.215.400.3 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 and by the state human services department pursuant to state statute. See Section 27-2-12 *et seq.*, NMSA 1978 (Repl. Pamp. 1991).  
[8.215.400.3 NMAC - Rp, 8.215.400.3 NMAC, 1/1/2019]

**8.215.400.4 DURATION:** Permanent.  
[8.215.400.4 NMAC - Rp, 8.215.400.4 NMAC, 1/1/2019]

**8.215.400.5 EFFECTIVE DATE:** January 1, 2019, unless a later date is cited at the end of the section.  
[8.215.400.5 NMAC - Rp, 8.215.400.5 NMAC, 1/1/2019]

**8.215.400.6 OBJECTIVE:** The objective of these regulations is to provide eligibility policy and procedures for the medicaid program.  
[8.215.400.6 NMAC - Rp, 8.215.400.6 NMAC, 1/1/2019]

**8.215.400.7 DEFINITIONS: [RESERVED]**  
[8.215.400.7 NMAC - Rp, 8.215.400.7 NMAC, 1/1/2019]

**8.215.400.8 [RESERVED]**  
[8.215.400.8 NMAC - Rp, 8.215.400.8 NMAC, 1/1/2019]

**8.215.400.9 SUPPLEMENTAL SECURITY INCOME METHODOLOGY:** All noninstitutionalized married couples who are eligible for supplemental security income (SSI) are treated as separate individuals for determining eligibility and benefit amounts, beginning the month after the month they begin living apart. In the case of an initial application or reinstatement following a period of ineligibility, each member of a married couple not living together is considered an individual as of the date of application or request for reinstatement, regardless of when the separation occurred. See *Title 8, Chapter 281, Medicaid Eligibility - Institutional Care (Categories 081, 083 and 084)*, for information on separation caused by the institutionalization of one member of a married couple.  
[8.215.400.9 NMAC - Rp, 8.215.400.9 NMAC, 1/1/2019]

**8.215.400.10 SUPPLEMENTAL SECURITY INCOME (Categories 001, 003, and 004):**

**A.** The human services department (HSD) has an agreement under Section 1634 of the Social Security Act with the social security administration (SSA) for SSA to make medicaid eligibility determinations. Supplemental security income (SSI) recipients (categories 001, 003, and 004) who receive an SSI cash payment or are Section 1619(b) recipients automatically have medicaid eligibility unless they fail to meet the assignment of rights or third party liability requirements; or HSD has determined ineligibility under the medicaid trust provision.

**B. Section 1619(b) recipients:** To qualify for continuing medicaid coverage, a 1619(b) individual must:

- (1) have been eligible for an SSI cash payment for at least one month; and
- (2) still meet the disability requirement; and
- (3) still meet all other non-disability SSI requirements; and

- (4) need medicaid benefits to continue to work; and
  - (5) have gross earnings that are insufficient to replace SSI, medicaid and publicly funded attendant care services.
- [8.215.400.9 NMAC - N, 1/1/2019]

**HISTORY OF 8.215.400 NMAC:**

Pre NMAC History: The material in this part was derived from that previously filed with the State Records Center.  
MAD Rule 860, SSI Methodology for Computation of Countable Resources and Income, filed 3/7/1989.  
MAD Rule 860, SSI Methodology for Computation of Countable Resources and Income, filed 3/21/1990.  
MAD Rule 860, SSI Methodology for Computation of Countable Resources and Income, filed 4/24/1991.  
MAD Rule 860, SSI Methodology for Computation of Countable Resources and Income, filed 6/19/1992.  
MAD Rule 861, Resources - SSI Methodology for Computation of Countable Resources and Income, filed 3/18/1993.  
MAD Rule 861, Resources - SSI Methodology for Computation of Countable Resources and Income, filed 12/29/1994.  
MAD Rule 862, Income - SSI Methodology for Computation of Countable Resources and Income, filed 3/18/1993.  
MAD Rule 864, Potential Income or Resources - SSI Methodology for Computation of Countable Resources and Income, filed 3/18/1993.  
MAD Rule 866, Deeming Income, filed 11/16/1994.

**History of Repealed Material:**

MAD Rule 860, SSI Methodology for Computation of Countable Resources and Income, filed 6/19/1992 - Repealed effective 2/1/1995.  
MAD Rule 861, Resources - SSI Methodology for Computation of Countable Resources and Income, filed 12/29/1994 - Repealed effective 2/1/1995.  
MAD Rule 862, Income - SSI Methodology for Computation of Countable Resources and Income, filed 3/18/1993 - Repealed effective 2/1/1995.  
MAD Rule 864, Potential Income or Resources - SSI Methodology for Computation of Countable Resources and Income, filed 3/18/1993 - Repealed effective 2/1/1995.  
MAD Rule 866, Deeming Income, filed 11/16/1994 - Repealed effective 2/1/1995.  
8.215.400 NMAC - Recipient Policies, filed 9/3/2013 - Repealed effective 1/1/2019.