

This is an amendment to 8.281.400 NMAC, Section 10, and Section 11, effective 3/1/2018.

**Explanatory statement:** Statute citations throughout the rule were corrected to conform to correct legislative styles.

**8.281.400.10 BASIS FOR DEFINING THE GROUP:** An applicant/recipient must require institutional care as certified by a physician licensed to practice medicine or osteopathy. The applicant/recipient must be institutionalized in a medicaid qualifying bed in a New Mexico medicaid-approved institution. "Institutions" are defined as acute care hospitals (ACHs), nursing facilities (NFs) and intermediate care facilities for ~~the mentally retarded (ICF-MRs)~~ individuals with intellectual disabilities (ICF/IID), swing beds and certified instate inpatient rehabilitation centers. Level of care (LOC) determinations for institutional care medicaid eligibility are made by the MAD UR contractor or a member's selected or assigned managed care organization (MCO). Documentation of these determinations is provided to the institution by the UR contractor or MCO. For applicants/recipients in a hospital awaiting placement in NFs, confirmation letters are furnished by the MAD UR contractor for use by hospital staff. A level of care (LOC) is not required for acute care hospitals. Documentation of acute care hospitalization must be provided by the hospital to determine the eligibility period.

[2/1/1995; 7/1/2000; 8.281.400.10 NMAC - Rn, 8 NMAC 4.ICM.402, 7/1/2003; A, 3/1/18]

**8.281.400.11 ~~[GENERAL RECIPIENT REQUIREMENTS:]~~ INTERVIEW REQUIREMENTS:**

**A. Purpose and scope of interview:** An interview is required at initial application for institutional care medicaid. The initial interview is an official and confidential discussion of household circumstances with the applicant. The interview is intended to provide the applicant with program information, and to supply the facts needed by the ISD caseworker to make a reasonable eligibility determination. The interview is not simply to review the information on the application, but also to explore and clarify any unclear or incomplete information. The scope of the interview shall not extend beyond examination of the applicant's circumstances that are directly related to determining eligibility. The interview shall be held prior to disposition of the application.

**B. Individuals interviewed:** Applicants, including those who submit applications by mail, shall be interviewed via telephone with an ISD caseworker. When circumstances warrant or upon request of the applicant, the household may be interviewed in person at another place reasonably accessible and agreeable to both the applicant and the ISD caseworker. The applicant may bring any person he chooses to the interview.

**C. Scheduling interviews:** The interview on an initial application shall be scheduled within ten (10) working days, and, to the extent possible, at a time that is most convenient for the applicant.

**D. Missed interviews:** ISD shall notify a household that it missed its first interview appointment, and inform the household that it is responsible for rescheduling the missed interview. If the household contacts the caseworker within the 45-day application processing period, the caseworker shall schedule a second interview. When the applicant contacts ISD, either orally or in writing, the caseworker shall reschedule the interview as soon as possible thereafter within the 45 day processing period, without requiring the applicant to provide good cause for missing the initial interview. If the applicant does not contact ISD or does not appear for the rescheduled interview, the application shall be denied on the 45th day (or the next work day) after the application was filed.

[2/1/1995; 8.281.400.11 NMAC - Rn, 8 NMAC 4.ICM.410, 7/1/2003; A, 3/1/2018]