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NOTICE OF RULEMAKING

The Human Services Department (the Department), through the Medical Assistance Division (MAD), is proposing to amend the New Mexico Administrative Code (NMAC) rules *8.200.400, Medicaid Eligibility - General Recipient Rules - General Medicaid Eligibility, 8.200.430, Medicaid Eligibility - General Recipient Rules - Recipient Rights and Responsibilities, and 8.296.400, Medicaid Eligibility - Other Adults - Recipient Requirements.*

Section 9-8-6 NMSA 1978, authorizes the Department Secretary to promulgate rules and regulations that may be necessary to carry out the duties of the Department and its divisions.

Notice Date: March 26, 2019
Hearing Date: April 25, 2019
Adoption Date: Proposed as July 01, 2019
Technical Citations: 42 CFR 435.915, SSA 1916 and 1916A

The Department is proposing to amend the rules as follows:

8.200.400 NMAC
Section 14 is amended to delete Subsections D through G that limited retroactive Medicaid to one month for most managed care members.

Section 14 is amended to add a new Subsection D that allows for up to three months of retroactive Medicaid for most Medicaid categories: other adults, parent caretaker, supplemental security income (SSI), and SSI extensions, working disabled individuals (WDI), breast and cervical cancer (BCC), pregnant women, pregnancy-related services, children under age 19, family planning, specified low income beneficiaries (SLIMB), qualified individuals (QI1), qualified disabled working individuals (QD), refugees, children, youth and families department (CYFD), and institutional care Medicaid.

Section 14 is amended to add a new Subsection E that lists Medicaid categories that historically have no retroactive Medicaid: emergency medical services for aliens EMSA), home and community-based services waivers (HCBW), program for all-inclusive care for the elderly (PACE), qualified medicare beneficiaries (QMB), and transitional Medicaid.

Section 14 is amended to change Subsection H to subsection F with no language changes regarding deemed newborns.

8.200.430 NMAC
Section 16 subsection A is amended to remove language about co-payments as the Department does not have co-payments for Medicaid categories. Subsection D referencing co-payments is deleted.

8.296.400 NMAC
Section 9 Subsection E is deleted to remove language referencing premiums for Other Adults beginning July 01, 2019. The Department will not be implementing premiums for Other Adults.

The register and proposed rules for these proposed amendments will be available March 21, 2019 on the HSD website at http://www.hsd.state.nm.us/LookingForInformation/registers.aspx or at http://www.hsd.state.nm.us/2017-comment-period-open.aspx. If you do not have Internet access, a copy of the register and proposed rules may be requested by contacting MAD in Santa Fe at 505-827-1337.

The Department proposes to implement these rules effective July 01, 2019. A public hearing to receive testimony on these rules will be held in Hearing Room 1, Toney Anaya Building, 2550 Cerrillos Road, Santa Fe, New Mexico, 87505 on April 25, 2019 at 10:00 a.m., Mountain Standard Time (MST).

Interested parties may submit written comments directly to: Human Services Department, Office of the Secretary, ATT: Medical Assistance Division Public Comments, P.O. Box 2348, Santa Fe, New Mexico 87504-2348.

Recorded comments may be left at (505) 827-1337. Interested persons may also address comments via electronic mail to: madrules@state.nm.us. Written mail, electronic mail and recorded comments must be received no later than 5:00 p.m. MST on April 25, 2019. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing. All written comments received will be posted as they are received on the HSD website at http://www.hsd.state.nm.us/2017-comment-period-open.aspx along with the applicable register and rules. The public posting will include the name and any contact information provided by the commenter.

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in the public hearing, please contact MAD in Santa Fe at 505-827-6252. The Department requests at least ten (10) days advanced notice to provide requested alternative formats and special accommodations.

Copies of all comments will be made available by the MAD upon request by providing copies directly to a requestor or by making them available on the MAD website or at a location within the county of the requestor.