



State of New Mexico
Human Services Department
Human Services Register



I. DEPARTMENT
NEW MEXICO HUMAN SERVICES DEPARTMENT

II. SUBJECT
8.200.510 NMAC-GENERAL RECIPIENT POLICIES RESOURCE STANDARDS
8.200.520 NMAC-GENERAL RECIPIENT RULES-INCOME STANDARDS
8.291.430 NMAC-AFFORDABLE CARE FINANCIAL RESPONSIBILITY REQUIREMENTS

III. PROGRAM AFFECTED
(TITLE XIX) MEDICAID

IV. ACTION
EMERGENCY RULES

V. BACKGROUND SUMMARY

The New Mexico Human Services Department (the Department) has filed emergency rules to amend the New Mexico Administrative Code (NMAC) rules *8.200.510 NMAC-General Recipient Policies, Resource Standards*, *8.200.520 NMAC-General Recipient Rules, Income Standards*, and *8.291.430 NMAC, Affordable Care, Financial Responsibility Requirements*. The Department is amending these rules to implement the Department of Health and Human Services (HHS) updates to the Federal Poverty Level (FPL) income limits for Medicaid categories of eligibility to be effective April 01, 2023, as required by HHS. The Department is also implementing the annual cost of living allowance (COLA) increase that went into effect on January 01, 2023.

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 28, 2023

Adoption Date: The COLA changes are effective January 01, 2023. The FPL changes are effective April 01, 2023.

Technical Citations: HHS 2023 Federal Poverty Guidelines and 2023 SSA COLA Fact Sheet

The Department has amended the rule as follows:

8.200.510 NMAC

Section 11 is amended to reflect current COLA for the Community Spouse Resource Allowance. Section 12 is amended to reflect the current COLA for the Post-Eligibility Calculation (Medical Care Credit).

Section 13 is amended to reflect the current COLA for the Average Monthly Cost of Nursing Facilities for Private Patients.

Section 15 is amended to reflect the COLA for the current Excess Home Equity Amount for Long-Term Care Services.

8.200.520 NMAC

Section 11 is amended to reflect updated FPL guidelines.

Section 12 is amended to reflect the cost of living increase.

Section 13 is amended to reflect the increase in the Federal Benefit Rate.

Section 15 is amended to reflect the increase in the Supplemental Security Income (SSI) living arrangement amounts.

Section 16 is amended to reflect the increase in the monthly income standard for Institutional Care and Home and Community Based Waiver Services categories.

Section 20 is amended to reflect the increase in the covered quarter income standard.

8.291.430 NMAC

Section 10 is amended to reflect FPL mandates.

VI. RULES

These amendments will be contained in 8.200.510, 8.200.520, and 8.291.430 NMAC. The emergency register and rule languages are available on the HSD website at <https://www.hsd.state.nm.us/lookingforinformation/registers/> and <https://www.hsd.state.nm.us/lookingforinformation/medical-assistance-division-1/>. If you do not have internet access, a copy of the final register and rules may be requested by contacting the Medical Assistance Division at (505) 827-1337.

VII. EFFECTIVE DATE

The COLA rules are effective January 01, 2023. The FPL rules are effective April 01, 2023.

VIII. PUBLICATION

Publication of these rules approved by:

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KARI ARMIJO, ACTING SECRETARY
HUMAN SERVICES DEPARTMENT