

This is an amendment to 8.291.400 NMAC, Section 11, effective 9/1/2024.

8.291.400.11 CONTINUOUS ELIGIBILITY FOR CHILDREN (42 CFR 435.926):

A. HSD provides continuous eligibility for the period specified in Subsection B and C of 8.291.400.11 NMAC for an individual who is:

- (1) under age 19; and
- (2) eligible and enrolled for mandatory or optional coverage under the state plan.

B. ~~[The continuous eligibility period is 12 months. The continuous eligibility period begins on the effective date of the individual's eligibility or most recent redetermination or renewal of eligibility.]~~ The continuous eligibility period is up to six years for children from birth until turning age six. A child enrolled for less than 12 months before turning age six is eligible for 12 months of continuous eligibility. The continuous eligibility period begins on the effective date of the individual's eligibility or most recent redetermination or renewal of eligibility.

C. The continuous eligibility period is 12 months for children age six until turning age 19. The continuous eligibility period begins on the effective date of the individual's eligibility or most recent redetermination or renewal of eligibility.

~~[C.]~~ **D.** A child's eligibility may not be terminated during a continuous eligibility period, regardless of any changes in circumstances, unless:

- (1) the child attains the maximum age of 19;
- (2) the child or child's representative requests a voluntary termination of eligibility;
- (3) the child ceases to be a resident of New Mexico;
- (4) the agency determines that eligibility was erroneously granted at the most recent

determination, redetermination or renewal of eligibility because of agency error or fraud, abuse, or perjury attributed to the child or the child's representative; or

- (5) the child dies.

[8.291.400.11 NMAC - Rp, 8.291.400.11 NMAC, 10/1/2017; A, 9/1/2024]