

NOTICE OF EMERGENCY RULEMAKING

The Health Care Authority (HCA) Income Support Division (ISD) will implement a temporary emergency rule starting October 1, 2024. This rule, which is issued annually, updates the income and resource eligibility standards, as well as the deduction amounts for eligible households. These adjustments are based on the guidelines set forth by the United States Department of Agriculture (USDA) and the Food and Nutrition Services (FNS).

The federal notice regarding Cost-of-Living Adjustments (COLA) was received less than sixty days before the changes must take effect on October 1. Due to this short timeframe, there is insufficient time to complete the standard rulemaking process. Therefore, this emergency rule is necessary to ensure compliance with federal regulations. Failing to implement these changes by October 1 would result in the HCA being out of compliance with federal law.

The emergency rule changes to the New Mexico Administration Code (NMAC) will be to 8.102.500 NMAC, 8.106.500 NMAC.

Administration of HCA, including its authority to promulgate regulations, is governed by Chapter 9, Article 8, NMSA 1978 (Repl. 1983).

The emergency rule will remain in effect until a permanent rule is established through the standard rulemaking process.

The Health Care Authority Register Vol. 47 No. 25 outlining the temporary emergency regulations is available on the HCA's website at: <https://www.hca.nm.gov/lookingforinformation/income-support-division-registers-2/>.