

**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 *8.200.510 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, 2024, as required by HHS. The Department is also implementing the annual cost of living allowance (COLA) increase that went into effect on January 01, 2024. The Department is re-promulgating these sections of the rules in full within six months of issuance of the emergency rule in accordance with the New Mexico State Rules Act.

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: April 9, 2024

Hearing Date: May 9, 2024

Adoption Date: August 1, 2024

Technical Citations: HHS 2024 Federal Poverty Guidelines and 2024 SSA COLA Fact Sheet

**The Department is proposing to amend these rules as follows:**

**8.200.510 NMAC**

Section 1 is being amended to reflect the change from the Human Services Department to the Health Care Authority.

Section 8 is being amended to reflect the new mission statement for the Health Care Authority.

Section 11 has been amended to reflect current COLA for Community Spouse Resource Allowance.

Section 12 has been amended to reflect the current COLA for Post-Eligibility Calculation (Medical Care Credit).

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

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

**8.200.520 NMAC**

Section 1 is being amended to reflect the change from the Human Services Department to the Health Care Authority.

Section 8 is being amended to reflect the new mission statement for the Health Care Authority.

Section 11 has been amended to reflect updated FPL limits.

Section 12 has been amended to reflect the COLA increase.

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

Section 15 has been amended to reflect the increase in SSI Living Arrangement Amounts.

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

Section 20 has been amended to reflect the increase in the Covered Quarter Income Standard.

**8.291.430 NMAC**

Section 1 is being amended to reflect the change from the Human Services Department to the Health Care Authority.

Section 8 is being amended to reflect the new mission statement for the Health Care Authority.

Section 10 has been amended to reflect 2024 FPL guidelines.

Throughout the NMACs amendments have been made to comply with formatting and language requirements.

**VI. RULE**

These proposed rule changes will be contained in 8.200.510, 8.200.520, and 8.291.430 NMAC. This register and the proposed rule are available on the HSD website at: <https://www.hsd.state.nm.us/lookingforinformation/registers/>

and <https://www.hsd.state.nm.us/2024-comment-period-open/>. If you do not have internet access, a copy of the proposed register and rule may be requested by contacting MAD at (505) 827-1337.

#### **VII. EFFECTIVE DATE**

The proposed effective dates are August 1, 2024.

#### **VIII. PUBLIC HEARING**

A public hearing to receive testimony on these amendments will be held **in person at the Administrative Services Division (ASD), 1474 Rodeo Rd., Santa Fe, NM 87505 and via conference call** on May 9, 2024 at 9:00 am Mountain Time (MT). **Conference phone number: 1-800-747-5150. Access Code: 2284263.**

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 the MAD in Santa Fe at (505) 827-1337. The Department requests at least 10 working days advance notice to provide requested alternative formats and special accommodations.

Copies of all comments will be made available by 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.

#### **IX. ADDRESS**

Interested persons may address written comments to:

Human Services Department  
Office of the Secretary  
ATTN: 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: [HSD-madrules@hsd.nm.gov](mailto:HSD-madrules@hsd.nm.gov). Written mail, electronic mail and recorded comments must be received no later than 5 p.m. MT on May 9, 2024. 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 <https://www.hsd.state.nm.us/2024-comment-period-open/>. along with the applicable register and rule. The public posting will include the name and any contact information provided by the commenter.