

### NOTICE OF EMERGENCY RULEMAKING

The New Mexico Health Care Authority (HCA) is issuing a temporary emergency rule to be effective October 1, 2025.

The emergency rule will amend the New Mexico Administrative Code (NMAC) sections: 8.102.500 NMAC and 8.106.500 NMAC:

#### **8.102.500**

Section 1:

- Changing New Mexico Human Services Department to New Mexico Health Care Authority.
- No other language in section 1 is under review at this time.

Section 3:

- Changing by deleting human services department and updating to health care authority.
- No other language in section 3 is under review at this time.

Section 8:

- Updating Subsection B. "Gross income limits"
- Updating Subsection C
- Updating Subsection D
- No other language in section 8 is under review at this time.

#### **8.106.500**

Section 1:

- Changing New Mexico Human Services Department to New Mexico Health Care Authority.
- No other language in section 1 is under review at this time.

Section 8:

- Updating Subsection B. "Gross income limits"
- Updating Subsection H by deleting human services department and updating to health care authority
- No other language in section 8 is under review at this time.

Each year the Authority is required to make changes to the income and resource eligibility standards and the deduction amounts available to otherwise eligible households. These amounts are determined by the United States Department of Agriculture (USDA) and Food and Nutrition Services (FNS).

The Authority received notification of the adjusted amounts on August 13, 2025, and will make the adjustments effective for benefit month October 2025 for Federal Fiscal Year (FFY) 2026 to comply with federal law and regulations.

The Authority received the notice of the federal Cost-of-Living Adjustments (COLA) with less than sixty days to implement the changes to be effective on October 1 and has insufficient time to follow the regular rulemaking process. The Authority is implementing an emergency rule to remain federally compliant as failure to implement beyond October 1 would place the Authority in violation of Federal law.

Regulations issued pursuant to the act are contained in 45 CFR Parts 200-299.

Administration of the 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 takes effect under normal rulemaking process.

The Health Care Authority Register Vol. 48 No. 27 outlining the temporary emergency regulations is available on the HSD's website at: Income Support Division Registers - New Mexico Health Care Authority