

NOTICE OF EMERGENCY RULEMAKING

The Health Care Authority (HCA) Income Support Division (ISD) will implement a temporary emergency rule effective October 1, 2026.

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 Administration (FNA).

The Authority received notification of the adjusted amounts on August 21, 2026, and will make the adjustments effective October 1, 2026, for Federal Fiscal Year (FFY) 2027 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.

The emergency rule will amend the New Mexico Administrative Code (NMAC) sections: 8.102.500 NMAC, 8.106.500 NMAC, 8.139.120 NMAC, 8.139.500 NMAC:

8.102.500

Section 8:

- Updating Subsection B. Gross income limits to include the language: “The income eligibility limits are revised and adjusted annually in October. The authority will publish the federal poverty guidelines annually on the HCA website.” And the gross income table will be removed.
- Updating Subsection C. Eligibility for support services to include the language: “The income eligibility limits are revised and adjusted annually in October. The Authority will publish the federal poverty guidelines annually on the HCA website.”
- The gross income table is being removed from the rule as well.
- Updated Subsection D. Standard of Need table “three persons” to reflect correct amount of \$550.
- No other language in section 8 is under review at this time.

8.106.500

Section 8:

- Updating Subsection D. Gross income test to include the language: “The income eligibility limits are revised and adjusted annually in October. The Authority will publish the federal poverty guidelines annually on the HCA website.”
- The gross income table is being removed from the rule as well.
- No other language in section 8 is under review at this time.

8.139.120

Section 9:

- Updating subsection E (1) with the amount of \$150.
- Updating subsection E (3) (b) with the amount of \$150.

8.139.500

Section 8:

- Updated Subsection D (2) the FNS link with new FNA link and updated.
- Updated Subsection E (2) with the language: The income eligibility limits are revised and adjusted annually in October. The authority will publish the federal poverty guidelines annually on the HCA website.
- Updated the FNS link with new FNA link and updated the HCA new link.
- No other language in section 8 is under review at this time.

Section 9-8-6 NMSA 1978, authorizes the Department Secretary to promulgate rules and regulations necessary to carry out the duties of the Authority and its divisions.

Regulations issued pursuant to the act are contained in 45 CFR Parts 200-299 and 7 CFR 270-282.

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. 49 No.36 outlining the temporary emergency regulations is available on the HSD's website at: [Income Support Division Registers - New Mexico Health Care Authority](#).