

**NOTICE OF RULEMAKING**

The New Mexico Health Care Authority (HCA), through the Medical Assistance Division (MAD), is proposing to amend the New Mexico Administrative Code (NMAC) 8.200.410, *Medicaid Eligibility - General Recipient Rules and General Recipient Requirements*.

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: May 5, 2026

Hearing Date: June 5, 2026

Adoption Date: October 1, 2026

Technical Citations: Section 71109 of the Working Families Tax Cut Legislation

**Background**

Section 71109 of the Working Family Tax Cut Legislation passed on July 4, 2025, changes the definition of a qualified noncitizen. Effective October 1, 2026, Medicaid coverage is limited to the following individuals:

- 1) A citizen or national of the United States
- 2) Legal Permanent Residents
- 3) Cuban/Haitian entrants
- 4) Compact of Free Association (COFA) migrants
- 5) Lawfully residing children and pregnant individuals under CHIPRA 214

Section 71109 ends Medicaid eligibility for lawfully residing noncitizens, including refugees, asylees, parolees, certain abused spouses and children, individuals with temporary visas, individuals with Temporary Protected Status (TPS), certain victims of trafficking and others.

**The HCA is proposing to amend the rule as follows:**

**8.200.410**

Section 8 has been updated to include HCA's current mission statement.

Section 11 has been updated to remove non-citizens no longer eligible for Medicaid.

Throughout the NMAC, updates have been made to replace HSD with HCA and to revise other language to comply with formatting requirements.

**I. RULE**

These proposed rule changes will be contained in 8.200.410 NMAC. This register and the proposed rule are available on the HCA website at:

<https://www.hca.nm.gov/lookingforinformation/registers/> and <https://www.hca.nm.gov/2026-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.

**II. EFFECTIVE DATE**

The HCA proposes implementing this rule effective October 1, 2026.

**III. PUBLIC HEARING**

A public hearing to receive testimony on this proposed rule will be held on June 5, 2026, at 9:00 a.m., MT. The hearing will be held in the Large Conference Room of the Administrative Services Division (ASD), 1474 Rodeo Rd, Santa Fe, NM 87505 and via Microsoft Teams.

### Join Teams Meeting

Join: <https://teams.microsoft.com/meet/25847709424724?p=Bt4bGWsJ5krp2oMddw>

Meeting ID: 258 477 094 247 24

Passcode: ow2r7Uo7

Dial in by phone

[+1 505-312-4308](tel:+15053124308), [381910444#](tel:+1381910444) United States, Albuquerque

Phone conference ID: 381 910 444#

If you are a person with a disability and you require this information in an alternative format or require special accommodation to participate in the public hearing, please contact the MAD in Santa Fe at (505) 827-1337. The HCA requests at least ten (10) working days advance notice to provide requested alternative formats and special accommodation.

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.

### IV. ADDRESS

Interested persons may address written comments to:

New Mexico Health Care Authority  
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: [HCA-madrules@hca.nm.gov](mailto:HCA-madrules@hca.nm.gov). Written mail, electronic mail and recorded comments must be received **no later than 5:00 p.m. MT on June 5, 2026**. 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 HCA website at <https://www.hca.nm.gov/lookingforinformation/registers/> and <https://www.hca.nm.gov/2026-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.