

NOTICE OF HEARING

The Health Care Authority (HCA) Income Support Division (ISD) implemented a temporary emergency rule which was effective October 1, 2025, this does not permanently amend or repeal the existing rule and will only remain in effect until this permanent rule takes effect under the normal rule making process.

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

The Authority received notification of the adjusted amounts on August 13, 2025, and made the adjustments effective for benefit month October 2025 for Federal Fiscal Year (FFY) 2026 to comply with federal law and regulations. Because 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 had insufficient time to follow the regular rulemaking process an emergency rule was implemented to remain federally compliant as failure to implement by October 1 would place the Authority in violation of Federal law.

The rules that will be amended New Mexico Administrative Code (NMAC) sections:

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"
- (2) The gross income limit for the size of the benefit group is as follows:
 - (a) one person [~~\$1,067~~] \$1,109
 - (b) two persons [~~\$1,448~~] \$1,499
 - (c) three persons [~~\$1,829~~] \$1,888
 - (d) four persons [~~\$2,210~~] \$2,278
 - (e) five persons [~~\$2,592~~] \$2,667
 - (f) six persons [~~\$2,972~~] \$3,057
 - (g) seven persons [~~\$3,353~~] \$3,447
 - (h) eight persons [~~\$3,735~~] \$3,836
 - (i) add [~~\$382~~] \$390 for each additional person.
- Updating Subsection C Eligibility for support services only:
 - (1) one person [~~\$1,255~~] \$1,305
 - (2) two persons [~~\$1,704~~] \$1,763
 - (3) three persons [~~\$2,152~~] \$2,221
 - (4) four persons [~~\$2,600~~] \$2,680
 - (5) five persons [~~\$3,049~~] \$3,138
 - (6) six persons [~~\$3,497~~] \$3,596
 - (7) seven persons [~~\$3,945~~] \$4,055
 - (8) eight persons [~~\$4,394~~] \$4,513
 - (9) add [~~\$449~~] \$459 for each additional person.
- Updating Subsection D Standard of Need:
 - (i) add [~~\$111~~] \$112 for each additional person
- 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”
- (2) The gross income limit for the size of the benefit group is as follows:
 - (a) one person ~~[\$1,067]~~ \$1,109
 - (b) two persons ~~[\$1,448]~~ \$1,499
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 - (g) seven persons ~~[\$3,353]~~ \$3,447
 - (h) eight persons ~~[\$3,735]~~ \$3,836
 - (i) add ~~[\$382]~~ \$390 for each additional person.
- 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.

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

The Authority promulgated these emergency rules and made them effective October 1, 2025, to be in compliance with Federal law. The emergency rulemaking process is necessary to avoid placing HCA in violation of federal law; the Authority is now proposing regular final rule.

The Health Care Authority Register Vol. 48 No. 39 outlining the proposed rule regulations is available on the HSD’s website at: Income Support Division Registers - New Mexico Health Care Authority

A hybrid public hearing to receive testimony on COLA Rule will be held pursuant to Section 14-4-5.6 NMSA 1978, on Wednesday December 18, 2025, 11:00 am-12:00 pm. You may join in person, virtually, or by phone.

You may join in person at: HCA Income Support Division Sandoval County Office at 4363 Jager Dr NE, Rio Rancho, NM 87144. You may join virtually from your computer, tablet or smartphone:

Microsoft Teams Need help? Join the meeting now Meeting ID: 283 650 924 547 1 **Passcode:** sL3FQ6QF You may join virtually from your computer, tablet or smartphone:

+1 505-312-4308,,272146852# United States, Albuquerque (888) 506-1357,,272146852# United States (Toll-free)

Find a local number Phone conference ID: 272 146 852#

If you are a person with a disability and you require this information in an alternative format, or you require a special accommodation to participate in any HSD public hearing, program, or service, please contact the American Disabilities Act Coordinator, at Office-505-709-5468, Fax- 505-827-6286 or through the New Mexico Relay system, toll free at #711. The Authority requests at least a 10-day advance notice to provide the requested alternative formats and special accommodations.

Individuals who do not wish to attend the hearing may submit written or recorded comments by the following ways:

- Drop of at HCA Income Support Division, Sandoval County Office Attn: Monica Pineda at 4363 Jager Dr NE, Rio Rancho NM 87144
- Calling (505) 819-8118.
- Mailing comments to: Income Support Division: Attn, Monica Pineda at P.O. Box 2348, Santa Fe, NM 87504-2348.
- Emailed electronically to: HCA-isdrules@hca.nm.gov.

Written or recorded comments must be received by 5:00 p.m. on the date of the hearing, December 18, 2025.

Written and recorded comments will be given the same consideration as oral testimony made at the public hearing.

All written comments will be posted on the agency website at Income Support Division Registers

- New Mexico Health Care Authority within 3 days of receipt.