

TITLE 8 SOCIAL SERVICES
CHAPTER 248 MEDICAID ELIGIBILITY - MEDICARE DRUG COVERAGE (CATEGORY 048)
PART 400 RECIPIENT POLICIES

8.248.400.1 ISSUING AGENCY: New Mexico Health Care Authority.
[8.248.400.1 NMAC - Rp, 8.248.400.1 NMAC, 7/1/2024]

8.248.400.2 SCOPE: The rule applies to the general public.
[8.248.400.2 NMAC - Rp, 8.248.400.2 NMAC, 7/1/2024]

8.248.400.3 STATUTORY AUTHORITY: The New Mexico medicaid program is administered pursuant to regulations promulgated by the federal department of health and human services under Title XIX of the Social Security Act, as amended, and by the state health care authority pursuant to state statute. See 27-2-12 et. seq. NMSA 1978 (Repl. Pamp. 1991). The legal basis for the low-income subsidy (LIS) program is the Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA), Public Law 108-173. Section 9-8-1 et seq. NMSA 1978 establishes the health care authority (HCA) as a single, unified department to administer laws and exercise functions relating to health care facility licensure and health care purchasing and regulation.
[8.248.400.3 NMAC - Rp, 8.248.400.3 NMAC, 7/1/2024]

8.248.400.4 DURATION: Permanent.
[8.248.400.4 NMAC - Rp, 8.248.400.4 NMAC, 7/1/2024]

8.248.400.5 EFFECTIVE DATE: July 1, 2024, unless a later date is cited at the end of a section.
[8.248.400.5 NMAC - Rp, 8.248.400.5 NMAC, 7/1/2024]

8.248.400.6 OBJECTIVE: The objective of these regulations is to provide eligibility policy and procedures for the medicare part D - low-income subsidy program.
[8.248.400.6 NMAC - Rp, 8.248.400.6 NMAC, 7/1/2024]

8.248.400.7 DEFINITIONS: [RESERVED]

8.248.400.8 [RESERVED]

8.248.400.9 LOW-INCOME SUBSIDY FOR MEDICARE PART D ELIGIBLES: Applicants/recipients who meet certain income and other non-financial requirements can be eligible for the low-income subsidy (LIS) under medicare part D.
[8.248.400.9 NMAC - Rp, 8.248.400.9 NMAC, 7/1/2024]

8.248.400.10 BASIS FOR DEFINING THE GROUP:

A. Medicare recipients who are eligible for part D medicare coverage under the MMA of 2003 may be eligible for the low-income subsidy program. Eligibility is based on financial criteria, both income and resources, of applicant and spouse (if any) for the appropriate family size.

B. Family size: The following persons are included in the family size:
(1) the applicant;
(2) the applicant's spouse, if living with the applicant; and
(3) any persons who are related by blood, marriage, or adoption, who are living with the applicant and spouse and who are dependent on the applicant or spouse for at least one half of their financial support.

[8.248.400.10 NMAC - Rp, 8.248.400.10 NMAC, 7/1/2024]

8.248.400.11 GENERAL RECIPIENT REQUIREMENTS:

A. Medicare: Applicants must be eligible for and receiving part A or part B medicare benefits.
B. Residence: To be eligible for the low-income subsidy, an applicant/recipient must be physically present in New Mexico on the date of application or final determination of eligibility and must have demonstrated intent to remain in the state. Eligibility for the low-income subsidy (LIS) will transfer to New Mexico if determined by the social security administration (SSA) in another state. If eligibility was determined by another state (not

SSA), eligibility must be re-determined in New Mexico.
[8.248.400.11 NMAC - Rp, 8.248.400.11 NMAC, 7/1/2024]

8.248.400.12 SPECIAL RECIPIENT REQUIREMENTS: Applicants/recipients must be enrolled in a part D prescription drug plan (PDP) or a medicare advantage prescription drug (MA-PD) plan.
[8.248.400.12 NMAC - Rp, 8.248.400.12 NMAC, 7/1/2024]

8.248.400.13 RECIPIENT RIGHTS AND RESPONSIBILITIES: An applicant/recipient is responsible for establishing their eligibility for the LIS.

A. As part of this responsibility, the applicant/recipient must provide required information and documents or take the actions necessary to establish eligibility. Failure to do so must result in a decision that eligibility does not exist.

B. An applicant/recipient must also grant the HCA permission to contact other persons, agencies or sources of information that are necessary to establish eligibility.

C. An applicant can voluntarily withdraw an application any time prior to the determination of eligibility. The ISD office advises an applicant that withdrawing an application has no effect upon their right to apply for assistance in the future.

[8.248.400.13 NMAC - Rp, 8.248.400.13 NMAC, 7/1/2024]

8.248.400.14 REPORTING REQUIREMENTS: A LIS recipient must report to the local ISD office any change in their circumstances that might affect eligibility within 10 days of the change.

[8.248.400.14 NMAC - Rp, 07/01/2024]

HISTORY OF 8.248.400 NMAC: 8.248.400 NMAC - Recipient Policies (filed 1/13/2006) Repealed effective 7/1/2024.

Other: 8.248.400 NMAC - Recipient Policies (filed 1/13/2006) Replaced by 8.248.400 NMAC - Recipient Policies effective 7/1/2024.