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State of New Mexico
Health Care Authority
Human Services Register

HEALTH CARE AUTHORITY

I. DEPARTMENT
HEALTH CARE AUTHORITY

II. SUBJECT
8.299.400-MEDICAID ELIGIBILITY - FAMILY PLANNING SERVICES- RECIPIENT REQUIREMENTS

III. PROGRAM AFFECTED
(TITLE XIX) MEDICAID

IV. ACTION
PROPOSED RULE

V. BACKGROUND SUMMARY

The Health Care Authority (the Department), through the Medical Assistance Division (MAD), is proposing to amend the New Mexico Administrative Code (NMAC) rule 8.299.400, *Medicaid Eligibility - Family Planning Services, 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: January 28, 2025
Hearing Date: February 27, 2025
Adoption Date: Proposed as July 1, 2025
Technical Citations: 42 CFR 435.214

Background
New Mexico had federal approval in its Centennial Care 2.0 1115 waiver to implement age limitations for family planning Medicaid. The current age limitations are an individual must be under the age of 51 and not have other health insurance or who is under the age of 65 and only has Medicare coverage. Through our new Turquoise Care 1115 waiver, the Centers for Medicare and Medicaid Services (CMS) is requiring that the Department remove the age limitations. Therefore, through this proposed register, the Department is removing the age limitations for family planning Medicaid.

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The Department is proposing to amend the rule as follows:

8.299.400 NMAC

Section 8 is being amended to include the Department's current mission statement.

Section 9 HSD is being changed to Health Care Authority.

Section 9 is being amended to delete the age limitations that are in A and B.

VI. RULE

These proposed rule changes will be contained in 8.299.400 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/2024-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.

VII. EFFECTIVE DATE

The Department proposes to implement this rule effective July 1, 2025.

VIII. PUBLIC HEARING

A public hearing to receive testimony on this proposed rule will be held on **February 27, 2025, at 9:30 am**. The hearing will be held at the Administrative Services Division (ASD), 1474 Rodeo Rd, Santa Fe, NM 87505 and via Zoom.

Join Zoom Meeting
https://us02web.zoom.us/j/88658609318?pwd=MyXTazu8sPapjnURAQlQOyl2XKBpUX.1 or by phone 833-548-0282 US Toll-free.

Meeting ID: 886 5860 9318
Passcode: 710219

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 office in Santa Fe at (505) 827-1337. The Department requests at least ten (10) working days advance notice to provide requested alternative formats and special accommodations.

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.

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IX. ADDRESS

Interested persons may address written comments to:

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. Written mail, electronic mail and recorded comments must be received **no later than 5 p.m. MT on February 27, 2025**. 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/2024-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.

X. PUBLICATION

Publication of this rule approved by:

DocuSigned by:
kari Armijo 1/14/2025
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KARI ARMIJO, SECRETARY
HEALTH CARE AUTHORITY