TITLE 8 SOCIAL SERVICES
CHAPTER 139 FOOD STAMP PROGRAM
PART 503 NEW MEXICO MODIFIED COMBINED APPLICATION PROJECT

8.139.503.1 ISSUING AGENCY: New Mexico Health Care Authority.
[8.139.503.1 NMAC - N, 06/01/2009; A, 7/1/2024]

8.139.503.2 SCOPE: General public
[8.139.503.2 NMAC - N, 06/01/2009]

8.139.503.3 STATUTORY AUTHORITY: The food stamp program is authorized by the Food Stamp Act of 1977 as amended (7 U.S.C. 2011 et. seq.). Regulations issued pursuant to the act are contained in 7 CFR Parts 270-282. State authority for administering the food stamp program is contained in Chapter 27 NMSA, 1978. Administration of the health care authority (HCA), including its authority to promulgate regulations, is governed by Chapter 9, Article 8, NMSA 1978 (Repl. 1983). Section 9-8-1 et seq. NMSA 1978 establishes the HCA as a single, unified department to administer laws and exercise functions relating to health care facility licensure and health care purchasing and regulation.
[8.139.503.3 NMAC - N, 06/01/2009 ; A,7 /1/2024]

8.139.503.4 DURATION: Permanent
[8.139.503.4 NMAC - N, 06/01/2009]

8.139.503.5 EFFECTIVE DATE: This pilot program sunsetted effective May 2014.
[8.139.503.5 NMAC - N, 06/01/2009; A, 05/01/2017]
[NMCAP cases that are eligible via the program's parameters remain effective until the end of their three year eligibility. Active NMCAP cases past their three year eligibility via this program will be eligible to apply to receive regular SNAP.]

8.139.503.6 OBJECTIVE: The objective of the New Mexico Modified Combined Application Project (NMCAP) is to increase access to the nutrition benefits offered by the food stamp program among elderly and disabled populations receiving supplemental security income (SSI). The combined application project will increase the ability to purchase food and meet dietary needs. The combined application project for food stamp benefit assistance is authorized by a state demonstration project via a joint partnership with food and nutrition services (FNS) and social security administration (SSA).
[8.139.503.6 NMAC - N, 06/01/2009]

8.139.503.7 DEFINITIONS: [**RESERVED**]

8.139.503.8 PROGRAM ELIGIBILTY: Benefits shall be processed, allotment determined and certification periods assigned based on the waiver guidelines as approved by FNS.
[8.139.503.8 NMAC - N, 06/01/2009]

8.139.503.9 BASIS FOR DEFINING GROUP (HOUSEHOLD COMPOSITION)

A. Household: An applicant can opt to receive NMCAP benefits if the applicant:
- **(1)** receives federal SSI benefits; and
- **(2)** is not institutionalized; and
- **(3)** does not received benefits through the food distribution program on Indian reservations (FDIPR); and
- **(4)** is twenty-two years of age or older; and
- **(5)** is eligible for separate household status; or
- **(6)** lives with a spouse as defined in Paragraph (31) of Subsection B of 8.139.100.7 NMAC, who also receives SSI benefits; or
- **(7)** is living with others but buys and cooks food separately from others; and
- **(8)** at the time application or recertification for NMCAP the household has no earned income.

B. Verification of information: All information received by the department from the SSA data interface will be deemed as true and accurate for purposes of initial verification.
[8.139.503.9 NMAC - N, 06/01/2009; A, 05/01/2012]

8.139.503.10 APPLICATION PROCESS

A. Opt in/out: An applicant can choose to receive benefits through the regular food stamp program if:

(1) combined shelter and utility expenses, as defined at 8.139.520.11 NMAC, are greater than $315.00; or

(2) out-of-pocket medical expenses, as defined at 8.139.520.11 NMAC, are at least $35.00 a month.

B. Application requirements: The application at minimum will contain:

(1) the applicants name, and address;

(2) receipt of income and amount;

(3) amount of applicable deductions, such as shelter and medical; and

(4) must be signed by the applicant or authorized representative.

C. Application filing: Potential NMCAP recipients will receive applications from the department based on interface data supplied by SSA. NMCAP applicants also have the right to apply at:

(1) a social security (SSA) office; or

(2) a local ISD county office.

D. Processing standards: Applications are processed by the department and notice of disposition is sent to the applicant.

(1) Standard processing: An application shall be processed as soon as possible and the applicant afforded an opportunity to participate no later than 30 days from the date of application.

(2) Expedited processing: In the month of application, NMCAP applicants shall be considered as standard supplemental nutrition assistance program (SNAP) program applicants and may qualify for expedited service.

E. Authorized representatives: The head of the household or the spouse or any other responsible member of the household may designate an individual who is a non-household member to act on its behalf in applying, obtaining or using NMCAP benefits.

(1) The caseworker shall obtain a copy of the household's written authorization for the authorized representative and maintain it in the household's case record. No limit shall be placed on the number of households an authorized representative may represent.

(2) Even if the household member is able to make an application and obtain benefits, the household should be encouraged to name an authorized representative to use the NMCAP benefits in case illness or other circumstances prevent household members from using the benefits themselves.

(3) The authorized representative's identity shall be verified and a copy of the document maintained in the household's case file.

[8.139.503.10 NMAC - N, 06/01/2009; A, 11/01/2013]

8.139.503.11 CASE MANAGEMENT

A. Interviews: NMCAP applicants are not required to see an ISD caseworker or be otherwise subjected to an interview, although additional information or verification may be requested.

B. Certification periods: Eligible households shall be assigned to a 36-month certification period, and with no interim contact.

C. Reporting requirements: All information received by the department from the SSA data interface will be deemed as true and accurate for reported changes.

D. Actions on reported changes: NMCAP recipients are subject only to the reporting standards of SSA and all data sent to the department monthly. Within ten days of receipt the department shall act on the following changes:

(1) death of a household member;

(2) loss of SSI eligibility;

(3) changes in state residency;

(4) a member of the household's institutional status has changed; or

(5) change in shelter cost.

E. Recertification: NMCAP recipients shall not be subject to an interview to review eligibility at the end of the 36-month certification period. Recipients shall receive notice of expiration and recertification prior to closure. Continued eligibility at recertification will be evaluated based on the submission of a new completed application and information received from SSA. Participants that do not reapply by the end of certification period will be subject to case closure.

[8.139.503.11 NMAC - N, 06/01/2009; A, 05/01/2012; A, 11/01/2013]

8.139.503.12 BENEFIT DELIVERY

A. Effective date: Benefits for the initial month of certification shall be prorated from the date of application according to the standard SNAP program tables at 8.139.500 NMAC.

B. Benefit issuance: NMCAP are issued through a direct deposit into a household's electronic benefit transfer (EBT) account. EBT cards are issued and maintained as defined at 8.139.610 NMAC. An NMCAP participating household has a definite issuance date so that benefits are received on or about the same time each month. The issuance date is based on the last two digits of the social security number of the individual to whom the benefits are issued.

C. Benefit calculation: Benefits are issued based on the household's total monthly shelter costs as defined at Subsection F of 8.139.520.11 NMAC. Benefit amounts shall be subject to review and adjustment in coordination with the regular food stamp program and the cost neutrality study. Monthly NMCAP benefit amounts are based on the following for:

(1) monthly shelter costs equal to or less than $315.00, the maximum benefit amount is $33.00; and

(2) monthly shelter costs greater than $315.00, the maximum benefit amount is $68.00.

[8.139.503.12 NMAC - N, 06/01/2009; A, 05/01/2012; A/E, 04/01/2013; A, 11/01/2013]

8.139.503.13 OVERPAYMENT AND RECOUPMENT

A. Overpayment: A household that has received NMCAP benefits and has been determined ineligible or does not qualify for some or all of the NMCAP benefit shall have a claim established against the household for the NMCAP benefit amount in accordance with 8.100.640 NMAC.

B. Recoupment:

(1) The household shall be required to repay any amount of the NMCAP benefit due to an established claim or overpayment of the NMCAP benefit.

(2) The household shall remain subject to claim establishment and recoupment for the NMCAP benefit in accordance with 8.100.640 NMAC.

[8.139.503.13 NMAC - N, 05/01/2012; A, 11/01/2013]

HISTORY OF 8.139.503 NMAC: [RESERVED]