

TITLE 9 HUMAN RIGHTS
CHAPTER 2 AGE
PART 6 AREA AGENCY ON AGING REQUIREMENTS

9.2.6.1 ISSUING AGENCY: New Mexico Aging and Long Term Services Department (NMALTSB)
[9.2.6.1 NMAC - Rp, SAA Rule No. 95-6.1, 6/30/2015]

9.2.6.2 SCOPE: These rules apply to members of the public and organizations that participate in the delivery of services to New Mexico's aging and disability populations.
[9.2.6.2 NMAC - Rp, SAA Rule No. 95-6.2 6/30/2015]

9.2.6.3 STATUTORY AUTHORITY: Aging and Long-Term Services Department Act, Sections 9-23-1 to 9-23-12 NMSA 1978; Older Americans Act of 1965, 42 U.S.C. Sections 3001 to 3058, and implementing regulations.
[9.2.6.3 NMAC - Rp, SAA Rule No. 95-6.3, 6/30/2015]

9.2.6.4 DURATION: Permanent.
[9.2.6.4 NMAC - Rp, SAA Rule No. 95-6.4, 6/30/2015]

9.2.6.5 EFFECTIVE DATE: June 30, 2015, unless a later date is cited at the end of a section.
[9.2.6.5 NMAC - Rp, SAA Rule No. 95-6.5, 6/30/2015]

9.2.6.6 OBJECTIVE: The objective of this rule is to establish standards and procedures for the federal and state funded programs administered by the aging and long term services department.
[9.2.6.6 NMAC - Rp, SAA Rule No. 95-6.6, 6/30/2015]

9.2.6.7 DEFINITIONS: See 9.2.1.7 NMAC for definitions.
[9.2.6.7 NMAC - Rp, SAA Rule No. 95-6.7, 6/30/2015]

9.2.6.8 LEGAL REFERENCES: [RESERVED]
[9.2.6.8 NMAC - Rp, SAA Rule No. 95-6.8, 6/30/2015]

9.2.6.9 AREA AGENCY ON AGING STRUCTURE: An area agency on aging must:

- A.** Administer Older Americans Act and state programs within one (1) or more designated planning and service area;
- B.** Have a full-time, qualified director and adequate qualified staff; and
- C.** Receive approval from the department regarding the selection of its director.

[9.2.6.9 NMAC - Rp, SAA Rule No. 95-6.9, 6/30/2015]

9.2.6.10 AREA AGENCY ON AGING RESPONSIBILITIES: A designated area agency on aging shall:

- A.** Comply, as applicable, with all federal and state statutes, rules and policies.
- B.** Coordinate services for older persons in its planning and service area(s) and serve as an advocate and focal point for older individuals within the area.
- C.** Plan and develop collaborative linkages; share information; monitor and evaluate services; and lead the development of comprehensive and coordinated community-based systems.
- D.** Conduct periodic public hearings on the effectiveness of services and the needs of older adults in the area.
- E.** Furnish appropriate training and technical assistance to providers of services in the area.
- F.** Develop and submit an area plan to the department, according to guidelines issued by the department, for the department's approval, covering each planning and service area administered.
- G.** Establish and support an advisory council.
 - (1)** The advisory council membership shall include individuals and representatives of community organizations who will help to enhance the leadership role of the area agency on aging in developing community-based systems of services. The advisory committee shall be made up of;

(a) persons sixty (60) years of age or older, including minority individuals and those with greatest economic or social needs, and clients of services funded by the area agency on aging (this group shall comprise more than fifty percent (50%) of the advisory council);

(b) representatives of older persons;

(c) representatives of health care provider organizations, including providers of veterans' health care (if appropriate);

(d) representatives of supportive services provider organizations;

(e) persons with leadership experience in the private and voluntary sectors;

(f) local elected officials;

(g) the general public; and

(h) additional membership as determined by the area agency on aging.

(2) The advisory council responsibilities shall include advising the area agency on aging relative to:

(a) all matters relating to the development and administration of the area plan;

(b) conducting public hearings;

(c) representing the interest of older persons;

(d) community policies, programs and actions affecting older persons with the intent of assuring maximum coordination and responsiveness to older persons;

(e) service provision and assisting in evaluation of such;

(f) policies, programs and actions representing the interests of older persons and encouraging the involvement of older persons.

(3) The advisory council shall develop, implement and make public bylaws governing at least the following:

(a) the role and functions of the advisory council;

(b) the number and characteristics of membership;

(c) the procedures for membership selection; and

(d) the procedures for the conduct of the advisory council's business and activities, including preventing conflicts of interest.

(4) The advisory council shall review and comment upon the area plan and amendments before transmittal to the department for approval.

H. Determine the extent of need for supportive services, nutrition services and multipurpose senior centers, evaluate the effectiveness of resources to meet such need and enter into agreements with providers of services to meet the need.

I. Collaborate with public and private entities, including adult protective services, involved in the prevention, identification and treatment of abuse, neglect and exploitation of older adults.

J. Comply with the requirements of its contract with the department.

K. Set objectives for providing services to older adults with the greatest economic or social needs, including minority adults with low-incomes, and older adults residing in rural and frontier areas.

L. Set objectives for providing services to caregivers of older adults and older adult caregivers.

M. Identify and reach populations in need and inform them of the availability of assistance.

N. If there is a population of older Native American Indians in the service area, conduct outreach activities to identify those individuals and inform them of the availability of assistance.

O. Establish a grievance procedure for persons who are dissatisfied with or denied services.

P. List the telephone number of the area agency on aging in each telephone directory published in its service area(s).

Q. Coordinate planning and delivery of transportation services (including the purchase of vehicles) to assist older adults in the service area(s).

R. Operate in an ethical and professional manner at all times, including in the development of policies and procedures.

S. Establish financial management systems in accordance with federal and state requirements.

T. Implement a budget and systematic contracting process.

U. Respond, within established deadlines, to requests by the department to implement specific corrective action as may be required; and.

V. Collaborate with the foster grandparent, senior companion, and retired senior volunteer programs; the State health insurance program (SHIP); long-term care ombudsmen; and the aging and disability resource center. [9.2.6.10 NMAC - Rp, SAA Rule No. 95-6.10, 6/30/2015]

9.2.6.11 WITHDRAWAL OF AREA AGENCY ON AGING DESIGNATION: If the department determines that an area agency on aging has not made progress to correct any identified deficiency(ies), the department may initiate the withdrawal of designation process, pursuant to 9.2.7 NMAC and 45 C.F.R. Section 1321.35.

[9.2.6.11 NMAC - Rp, SAA Rule No. 95-6.11, 6/30/2015]

HISTORY OF 9.2.6 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center:

SAA Rule No. 95-6, Area Agency on Aging Requirements, filed 4/13/1995.

History of Repealed Material:

SAA Rule No. 95-6, (filed 4/13/1995) - Repealed 6/30/2015.