

NOTICE OF RULEMAKING AND PUBLIC HEARING

Notice is hereby given that the Aging & Long-Term Services Department (ALTSD) will hold a public hearing in person and via video conference regarding proposed changes to the New Mexico Administrative Code (NMAC) rules. ALTSD proposes to amend the following rules: 9.2.2 NMAC and 9.2.20 NMAC; to repeal and replace the following rules: 9.2.1 NMAC, 9.2.3 NMAC, 9.2.4 NMAC, 9.2.5 NMAC, 9.2.6 NMAC, 9.2.7 NMAC, 9.2.11 NMAC, 9.2.13 NMAC, 9.2.14 NMAC, 9.2.15 NMAC, 9.2.16 NMAC, 9.2.17 NMAC, 9.2.18 NMAC, 9.2.19 NMAC, 9.2.21 NMAC, 9.2.22 NMAC, and 9.2.23 NMAC; and to repeal the following NMAC rules: 9.2.8 NMAC and 9.2.9 NMAC.

Legal Authority: Authority for the amendment of the rules is provided by Subsection E of Section 9-23-6 NMSA 1978, which states the following: “The secretary may make and adopt such reasonable procedural rules as may be necessary to carry out the duties of the department and its divisions.”

Public Rule Hearing: The Department will hold a public hearing in person and via Microsoft Teams on August 29, 2025 at 9:00 a.m. to take comments regarding the proposed amendments to the rules. To participate virtually, please use the meeting ID below to attend the hearing on August 29, 2025 at 9:00 am MST.

Hearing Date and Time: August 29, 2025 at 9:00 am

Physical Location: Willie Ortiz Auditorium, 2600 Cerrillos Rd. Santa Fe, NM 87505.

To join Virtually:

Microsoft Teams Meeting ID: 250 285 104 629 6

Passcode: TN3jd9yr

Dial in by phone:

+1 505-312-4308,,228532417# United States, Albuquerque

(888) 506-1357,,228532417# United States (Toll-free)

Copies of the notice of rulemaking and proposed rule are available on the New Mexico Sunshine Portal at <https://ssp.nm.gov/> and on the ALTSD website at <https://www.aging.nm.gov/admin/admin-rules/>

Public Comments: Interested parties may submit written comments to: Aging & Long-Term Services Department, Office of the Secretary, ATTN: NMAC Revisions Public Comments, 2550 Cerrillos Rd., Santa Fe, New Mexico 87505.

Interested persons may also send comments via e-mail to: kathryn.farquhar@altsd.nm.gov. Written mail and electronic mail must be received no later than 5:00 p.m. MST on August 29, 2025. Written comments will be given the same consideration as oral comments made at the public hearing. All written comments received will be posted as they are received on the ALTSD website at <https://www.aging.nm.gov/admin/admin-rules/> along with the applicable register and rule. **The public posting will include the name and any contact information provided by the commenter.** All written comments will be posted on the Department’s website within (3) three days of receipt.

If you are a person with a disability and you require this information in an alternative format or require an auxiliary aid or a special accommodation to participate in the public hearing or to provide comments, please contact ALTSD in Santa Fe at (505) 476-4799 or send your request via email to:

kathryn.farquhar@altsd.nm.gov. The Department requests at least ten (10) days advance notice to provide requested alternative formats and special accommodations.

Copies of all comments will be made available by ALTSD upon request by providing copies directly to a requestor or by making them available on the ALTSD website or at an ALTSD location nearest to the county of the requestor.

Summary: The proposed amendments to the rules clarify federal and state requirements and address issues that have emerged since the March 15, 2024 update of the federal Older Americans Act regulations, 45 C.F.R. §1321 and §1324.

The amended rules will provide guidance and aim to promote the appropriate stewardship of resources in the administration of the Older Americans Act and in accordance with New Mexico and federal law. The purpose of the proposed rules is to ensure that agencies and service providers comply with the Older Americans Act and the federal regulations promulgated under that Act. The proposed rules govern the administration and processes required to provide services and programs for older individuals in New Mexico in alignment with the Older Americans Act and the mission of the New Mexico Aging and Long-Term Services Department.

In addition to the revisions described below, changes have been made to comply with current NMAC formatting requirements.

9.2.1 NMAC: The rule will be repealed and replaced with an updated version containing a new “Definitions” section as well as sections addressing policies and procedures, emergency and disaster preparedness, and conflicts of interest.

9.2.2 NMAC: The “Objective” section of the rule will be amended.

9.2.3 NMAC: The rule will be repealed and replaced by a new rule which contains updated “Objective” and “Older Americans Act Services” sections. The rule will no longer address voluntary contributions or cost sharing and fee scales.

9.2.4 NMAC: The rule will be repealed and replaced with a new rule addressing designation of and changes to planning and service areas.

9.2.5 NMAC: The rule will be repealed and replaced with a new rule addressing the designation of area agencies on aging including conflicts of interest requirements and the coordination of Title III and Title VI programs.

9.2.6 NMAC: The rule will be repealed and replaced by a new rule with substantial additions to the requirements of area agencies on aging including the administration of the area plan.

9.2.7 NMAC: The rule will be repealed and replaced by a new rule which addresses new federal regulations regarding de-designation of area agencies on aging and ALTSD’s role should such a de-designation occur.

9.2.8 NMAC: Rule 9.2.8 NMAC, Adequate Proportion of Services, filed 6/30/2015, will be repealed.

9.2.9 NMAC: Rule 9.2.9 NMAC, Direct Services, filed 6/30/2015, will be repealed.

9.2.11 NMAC: The rule will be repealed and replaced by a new rule containing an updated “Objective” section and a new section addressing appeals will be added.

9.2.13 NMAC: The rule will be repealed and replaced by a new rule with an updated “Objective” section and sections addressing the Gold Mentor Program will be removed.


9.2.14 NMAC: The rule will be repealed and replaced by a new rule containing a new “Objective” section and formatting updates.

9.2.15 NMAC: The rule will be repealed and replaced by a new rule containing a new “Objective” section and formatting updates.

9.2.16 NMAC: The rule will be repealed and replaced by a new rule containing a new “Objective” section and formatting updates.

9.2.17 NMAC: The rule will be repealed and replaced by a new rule addressing new federal standards and requirements of legal assistance providers as well as area agency duties related to legal assistance providers.

9.2.18 NMAC: The rule will be repealed and replaced with a new rule addressing ALTSD’s responsibilities in addressing nutrition services.



9.2.19 NMAC: The rule will be repealed and replaced by a new rule which updates the definitions, sets forth the requirements and responsibilities of the state long-term care ombudsman as well as ombudsmen employees and volunteers, and addresses interference of long-term care facilities with ombudsman-related responsibilities.

9.2.20 NMAC: The rule will be amended to reflect current NMAC formatting requirements.

9.2.21 NMAC: The rule will be repealed and replaced to include citations to statutes and federal regulations.

9.2.22 NMAC: The rule will be repealed and replaced to reflect current NMAC formatting requirements.

9.2.23 NMAC: The rule will be repealed and replaced to reflect current NMAC formatting requirements.

To obtain an electronic copy of the full text of the proposed rules, please visit:

<https://www.aging.nm.gov/admin/admin-rules/>

To obtain the full text of the proposed rules in nonelectronic form, please contact:

kathryn.farquhar@altsd.nm.gov. A reasonable fee may be charged to provide any records in nonelectronic form. See Subsection B of 14-4-5.2 NMSA 1978.