

TITLE 9 HUMAN RIGHTS
CHAPTER 2 AGE
PART 4 DESIGNATION OF PLANNING AND SERVICE AREAS

9.2.4.1 ISSUING AGENCY: New Mexico Aging and Long-Term Services Department (NMALTSB).
[9.2.4.1 NMAC - Rp, 9.2.4.1 NMAC, 09/23/2025]

9.2.4.2 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.
[9.2.4.2 NMAC - Rp, 9.2.4.2 NMAC, 09/23/2025]

9.2.4.3 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 30, and implementing regulations.
[9.2.4.3 NMAC - Rp, 9.2.4.3 NMAC, 09/23/2025]

9.2.4.4 DURATION: Permanent.
[9.2.4.4 NMAC - Rp, 9.2.4.4 NMAC, 09/23/2025]

9.2.4.5 EFFECTIVE DATE: September 23, 2025, unless a later date is cited at the end of a section.
[9.2.4.5 NMAC - Rp, 9.2.4.5 NMAC, 09/23/2025]

9.2.4.6 OBJECTIVE: The objective of this rule is to establish the PSA application and designation process.
[9.2.4.6 NMAC - Rp, 9.2.4.6 NMAC, 09/23/2025]

9.2.4.7 DEFINITIONS: See 9.2.1.7 NMAC for definitions.
[9.2.4.7 NMAC - Rp, 9.2.4.7 NMAC, 09/23/2025]

9.2.4.8 LEGAL REFERENCES: [RESERVED]
[9.2.4.8 NMAC - Rp, 9.2.4.8 NMAC, 09/23/2025]

9.2.4.9 DESIGNATION OF PLANNING AND SERVICE AREAS (PSAs): Existing intrastate planning and service areas (PSAs) shall continue to be designated unless:

A. There is demonstrated evidence that designation of an existing PSA is inconsistent with the purpose of the rules and regulations issued pursuant to the Older Americans Act; or

B. The designation of another PSA is necessary for the assurance of the efficient and effective administration of programs authorized by the Older Americans Act and operating in the state.

[9.2.4.9 NMAC - Rp, 9.2.4.9 NMAC, 09/23/2025]

9.2.4.10 TYPE OF DESIGNATION: The department may designate "federally recognized" planning and service areas under the auspices of the Older Americans Act and may designate "non-federally recognized" planning and service areas under state authority. Non-federally recognized planning and service areas may duplicate or overlap with federally recognized planning and service areas and shall be established in order to address special service needs or target populations and to facilitate the distribution of state funds.
[9.2.4.10 NMAC - Rp, 9.2.4.10 NMAC, 09/23/2025]

9.2.4.11 CRITERIA FOR PSA DESIGNATION: The department shall divide the state into distinct planning and service areas, considering the following criteria:

A. geographical distribution of older individuals in the state;

B. incidence of the need for supportive services, nutrition services, multipurpose senior centers, legal assistance, and other services;

- C. distribution of older individuals who have greatest economic need, particularly those with low-incomes;
 - D. distribution of older individuals residing in rural areas;
 - E. distribution of minority older individuals;
 - F. distribution of older individuals with limited English proficiency;
 - G. distribution of older individuals who have greatest social need;
 - H. distribution of Native American Indian elders;
 - I. distribution of resources available to provide services;
 - J. boundaries of existing areas within the state which were drawn for the planning or administration of supportive services programs; and
 - K. location of units of general purpose local government within the state.
- [9.2.4.11 NMAC - Rp, 9.2.4.11 NMAC, 09/23/2025]

9.2.4.12 PROCEDURE FOR DESIGNATING CHANGES TO PSA: The procedure to designate a PSA is as follows:

A. Department initiated change: The department may designate additional planning and service areas or redefine existing planning and service areas based upon changes in the criteria for PSA designation in accordance with 9.2.4.11 NMAC. The department shall solicit public input with regard to any proposed changes or additions to PSA designation and at least one public hearing shall be held in each county and Indian tribe proposed to be affected. Hearings shall be conducted in accordance with the department's policies and procedures for hearings.

B. Non-department initiated change: Any unit of general purpose local government, region within a state recognized for area wide planning, metropolitan area, or Indian tribe may make application to the department to be designated as a planning and service area.

(1) The aging network division director, as the department secretary's designee, shall approve or disapprove any such application submitted under this section.

(2) Any applicant under this section whose application for designation as a planning and service area is denied by the department may appeal the denial in writing to the department secretary within 30 days of such denial.

(3) If the department denies an applicant for designation as a planning and service area under this section, the department shall provide a hearing on the denial of the application, in accordance with 9.2.11 NMAC if requested by the applicant, as well as issue a written decision on the denial within 60 days following the hearing.

[9.2.4.12 NMAC - Rp, 9.2.4.12 NMAC, 09/23/2025]

9.2.4.13 NON -DEPARTMENT INITIATED APPLICATION PROCESS: This application process applies when an entity other than the department seeks to apply to designate a new planning and service area or to change an existing planning and service area.

A. The applicant shall submit a notice of application to the aging network division director that includes:

- (1) an explanation of why the new designation or change in designation is necessary;
- (2) an explanation of how the new designation or change will benefit older individuals in both the established PSA and the new PSA;
- (3) documentation that existing services can be substantially improved through the proposed change; and
- (4) documentation of the results of a public hearing that meets the department's criteria (the applicant shall involve the area agencies on aging, service providers, and older individuals in all actions and proceedings by offering opportunities for feedback from interested parties).

B. The applicant shall establish and make publicly available the appeal process for affected parties:

- (1) a full disclosure of any potential conflicts of interest that would exist if the new PSA or requested change was approved by the department; and
- (2) information that addresses each of the criteria for consideration enumerated in 9.2.4.11 NMAC.

C. The applicant shall comply with the department's timeframes and requests for additional information and documentation during the application process.

D. Once the department receives the additional information and documentation requested, it shall follow the procedures set forth in 9.2.4.12 NMAC, including Subsections B and C (the procedures for a department-

initiated designation). The department shall review the application in accordance with the criteria and procedures set forth in 9.2.4.9 NMAC, 9.2.4.11 NMAC, and 9.2.4.12 NMAC.
[9.2.4.13 NMAC - Rp, 9.2.4.13 NMAC, 09/23/2025]

9.2.4.14 APPROVAL OF PSA DESIGNATION: All PSA designations for purposes of distribution of federal funds must be further approved by the assistant secretary pursuant to the submission of a state plan amendment or state plan as set forth in 9.2.4.18 NMAC.
[9.2.4.14 NMAC - Rp, 9.2.4.14 NMAC, 09/23/2025]

9.2.4.15 APPEAL OF PSA DESIGNATION OR REVOCATION OF DESIGNATION:
A. An applicant for PSA change in designation whose application to the aging network division director has been denied or a PSA whose designation the department has decided to revoke may appeal pursuant to the appeals process set forth in 9.2.11 NMAC.
B. Any applicant for “federally recognized” PSA designation changes whose application the department denies and who has been provided an appeal hearing and written decision by the department may appeal to the DAB in writing within 30 days of receipt of the department’s written decision, pursuant to 45 C.F.R Section 1321.17.
[9.2.4.15 NMAC - Rp, 9.2.4.15 NMAC, 09/23/2025]

9.2.4.16 DESIGNATED PSAs:
A. The designated PSAs are posted to the department’s website.
B. All designation approvals shall be maintained in the appropriate department records.
[9.2.4.16 NMAC – Rp, 9.2.4.16 NMAC, 09/23/2025]

9.2.4.17 EXPLANATION OF CHANGES: The department shall provide an explanation of any decisions to change planning and service areas when it issues the decision. The explanation shall specifically address the department’s consideration of each of the factors set forth in 9.2.4.11 NMAC.
[9.2.4.17 NMAC - N, 09/23/2025]

9.2.4.18 CHANGES TO PSAS IN STATE PLANS OR STATE PLAN AMENDMENTS: Any changes to planning and service areas shall be included in a state plan amendment or in the prospective state plan submitted to the assistant secretary.
[9.2.4.18 NMAC - N, 09/23/2025]

HISTORY OF 9.2.4 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center:
SAA Rule No. 95-4, Designation of Planning and Service Areas, filed 4/13/95.

History of Repealed Material:

SAA Rule No. 95-4, filed 4/13/1995 - Repealed 6/30/2015.
9.2.4 NMAC, Designation of Planning And Service Areas (filed 6/17/2015), Repealed effective 09/23/2025.

Other: 9.2.4 NMAC, Designation of Planning And Service Areas (filed 6/17/2015), Replaced by 9.2.4 NMAC, Designation of Planning And Service Areas effective 09/23/2025.