



New Mexico Aging & Long-Term Services Department

Michelle Lujan Grisham, Governor
 Emily Kaltenbach, Cabinet Secretary
 Antoinette Vigil, Deputy Cabinet Secretary
 Angelina Flores-Montoya, Deputy Cabinet Secretary

New Mexico Aging and Long-Term Services Department—List of Acronyms

Acronym	Definition or Meaning
AAA	Area Agency on Aging
AD	Advance Directive
ADL	Activities of Daily Living
ADRC	Aging and Disability Resource Center
ALF	Assisted Living Facility
AND	Aging Network Division (New Mexico)
AoA	Administration on Aging
APS	Adult Protective Services (New Mexico)
ASA	American Society on Aging
CAP	Corrective Action Plan
CBA	Cost Benefit Analysis
CCP	Care Companion Program
CERD	Consumer and Elder Rights Division (New Mexico)
CoA	Conference on Aging
CFO	Chief Financial Officer
COO	Chief Operating Officer
CTVP	Community Transition Volunteer Program
DDPC	Developmental Disabilities Planning Council (NM)
DFA	Department of Finance and Administration (NM)
DHHS	Department of Health and Human Services (NM)
DOB	Date of Birth
DPOA	Durable Power of Attorney
EMS	Emergency Medical Services
EPA	Employee Assistance Program (NM)
FDA	U.S. Food and Drug Administration
FGP	Foster Grandparent Program
FY	Fiscal Year (State—NM)
FFY	Federal Fiscal Year
FOIA	Freedom of Information Act
FPL	Federal Poverty Level
GAAP	Generally Accepted Accounting Principles

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 2550 Cerrillos Road, Santa Fe, NM 87505
 800-432-2080 | aging.nm.gov | [@newmexicoaging](https://twitter.com/newmexicoaging)



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GCD	Governor’s Commission on Disability (NM)
GSD	General Services Department
HA	Host Agency
HIPAA	Health Insurance Portability and Accountability Act
IADL	Instrumental Activities of Daily Living
IFF	Intrastate Funding Formula
ISD	Individual Service Plan
LA	Legal Assistance
LAD	Legal Assistance Developer
L&C	Licensing & Certification Bureau of the Department of Health
LEAP	Low-Income Energy Assistance Program
LOA	Letter of Agreement
LTC	Long-Term Care Division (NM)
LTCOP	Long-Term Care Ombudsman Program (NM)
MCO	Managed Care Organizations
MOU	Memorandum of Understanding
NASUA	National Association of State Units of Aging
NCOA	National Council on Aging
NICOA	National Indian Council on Aging
NIMH	National Institute of Mental Health
NMC	NewMexi Care
NMSO	New Mexico Senior Olympics
NSIP	Nutrition Services Incentive Program
OA	Ombudsman Advocacy (New Mexico)
OAA	Older Americans Act
OAAPS	Older Americans Act Performance System
OGC	Office of General Counsel (OGC)
OIEA	Office of Indian Elder Affairs (OIEA)
OMB	Ombudsman Program
PBP	Plan Benefit Package
PII	Personally Identifiable information
PM	Performance Measure
POA	Power of Attorney
PSA	Planning and Service Area
PSDA	Patient Self Determination Act
RCF	Residential Care Facility
RFP	Request for Proposal
ROI	Return on Investment
RSVP	Retired Senior Volunteer Program

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SCLO	Senior Citizens Law Office (NM)
SCP	Senior Companion Program
SCSEP	Senior Community Service Employment Program
SFY	State Fiscal Year
SHIP	State Health Insurance Assistance Program (NM)
SLTCO	State Long-Term Care Ombudsman
SNAP	Supplemental Nutrition Assistance Program
SPO	State Personnel Office (NM)
SSB	Senior Services Bureau
SUA	State Unit on Aging
USDA	United States Department of Agriculture
VA	Veteran’s Administration
VTP	Volunteer Transportation Program

List of Definitions

Federal New Rule § 1321.3. Definitions

Access to services or access services, as used in this part and sections 306 and 307 of the Act (42 U.S.C. 3026 and 3027), means services which may facilitate connection to or receipt of other direct services, including transportation, outreach, information and assistance, options counseling, and case management services.

Acquiring, as used in the Act, means obtaining ownership of an existing facility.

Act, means the Older Americans Act of 1965, as amended.

Altering or renovating, as used in this part, means making modifications to or in connection with an existing facility which are necessary for its effective use. Such modifications may include alterations, improvements, replacements, rearrangements, installations, renovations, repairs, expansions, upgrades, or additions, which are not in excess of double the square footage of the original facility and all physical improvements.

Area agency on aging, as used in this part, means a single agency designated by the State agency to perform the functions specified in the Act for a planning and service area.

Area plan administration, as used in this part, means funds used to carry out activities as set forth in section 306 of the Act (42 U.S.C. 3026) and other activities to fulfill the mission of the area agency as set forth in § 1321.55, including development of private pay programs or other contracts and commercial relationships.

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Best available data, as used in section 305(a)(2)(C) of the Act (42 U.S.C.3025(a)(2)(C)), with respect to the development of the intrastate funding formula, means the most current reliable data or population estimates available from the U.S. Decennial Census, American Community Survey, or other high-quality, representative data available to the State agency.

Constructing, as used in this part, means building a new facility, including the costs of land acquisition and architectural and engineering fees, or making modifications to or in connection with an existing facility which are in excess of double the square footage of the original facility and all physical improvements.

Conflicts of interest, as used in this part, means:

- (3) One or more conflicts between the private interests and the official responsibilities of a person in a position of trust;
- (3) One or more conflicts between competing duties of an individual, or between the competing duties, services, or programs of an organization, and/or portion of an organization; and
- (3) Other conflicts of interest identified in guidance issued by the Assistant Secretary for Aging and/or by State agency policies.

Cost sharing, as used in section 315(a) of the Act (42 U.S.C. 3030c-2(a)), means requesting payment using a sliding scale, based only on an individual's income and the cost of delivering the service, in a manner consistent with the exceptions, prohibitions, and other conditions laid out in the Act.

Department, means the U.S. Department of Health and Human Services.

Direct services, as used in this part, means any activity performed to provide services directly to an older person or family caregiver, groups of older persons or family caregivers, or to the general public by the staff or volunteers of a service provider, an Area Agency on Aging, or a State agency whether provided in-person or virtually. Direct services exclude State or area plan administration and program development and coordination activities.

Domestically produced foods, as used in this part, means Agricultural foods, beverages and other food ingredients which are a product of the United States, its Territories or possessions, the Commonwealth of Puerto Rico, or the Trust Territories of the Pacific Islands (hereinafter referred to as "the United States"), except as may otherwise, be required by law, and shall be considered to be such a product if it is grown, processed, and otherwise prepared for sale or distribution exclusively in the United States except with respect to minor ingredients. Ingredients from nondomestic sources will be allowed to be utilized as a United States product if such ingredients are not otherwise:

- (2) Produced in the United States; and
- (2) Commercially available in the United States at fair and reasonable prices from domestic sources.

Family caregiver, as used in this part, means an adult family member, or another individual, who is an informal provider of in-home and community care to an older individual; an adult family member, or another individual, who is an informal provider of in-home and community care to an individual of any age with Alzheimer's disease or a related disorder with neurological and organic brain dysfunction; or an older relative caregiver. For purposes of this part, family caregiver does not include individuals whose primary relationship with the older adult is based on a financial or professional agreement.



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Fiscal year, as used in this part, means the Federal fiscal year.

Governor, as used in this part, means the chief elected officer of each State and the mayor of the District of Columbia.

Greatest economic need, as used in this part, means the need resulting from an income level at or below the Federal poverty level and as further defined by State and area plans based on local and individual factors, including geography and expenses.

Greatest social need, as used in this part, means the need caused by noneconomic factors, which include:

- (4) Physical and mental disabilities;
- (4) Language barriers;
- (4) Cultural, social, or geographical isolation, including due to:
 - (x) Racial or ethnic status;
 - (x) Native American identity;
 - (x) Religious affiliation;
 - (x) Sexual orientation, gender identity, or sex characteristics;
 - (x) HIV status;
 - (x) Chronic conditions;
- (x) Housing instability, food insecurity, lack of access to reliable and clean water supply, lack of transportation, or utility assistance needs;
- (x) Interpersonal safety concerns;
- (x) Rural location; or
- (x) Any other status that:
 - (B) Restricts the ability of an individual to perform normal or routine daily tasks; or
 - (B) Threatens the capacity of the individual to live independently; or
- (4) Other needs as further defined by State and area plans based on local and individual factors.

Immediate family, as used in this part pertaining to conflicts of interest, means a member of the household or a relative with whom there is a close personal or significant financial relationship.

In-home supportive services, as used in this part, references those supportive services provided in the home as set forth in the Act, to include:

- (5) Homemaker, personal care, home care, home health, and other aides;
- (5) Visiting and telephone or virtual reassurance;
- (5) Chore maintenance;
- (5) Respite care for families, including adult day care; and
- (5) Minor modification of homes that is necessary to facilitate the independence and health of older individuals and that is not readily available under another program.

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Local sources, as used in the Act and local public sources, as used in section 309(b)(1) of the Act (42 U.S.C. 3029(b)(1)), means tax-levy money or any other non-Federal resource, such as State or local public funding, funds from fundraising activities, reserve funds, bequests, or cash or third-party in-kind contributions from non-client community members or organizations.

Major disaster declaration, as used in this part and section 310 of the Act (42 U.S.C. 3030), means a Presidentially declared disaster under the Robert T. Stafford Relief and Emergency Assistance Act (42 U.S.C. 5121–5207).

Means test, as used in the Act, means the use of the income, assets, or other resources of an older person, family caregiver, or the households thereof to deny or limit that person's eligibility to receive services under this part.

Multipurpose senior center, as used in the Act, means a community facility for the organization and provision of a broad spectrum of services, which shall include provision of health (including mental and behavioral health), social, nutritional, and educational services and the provision of facilities for recreational activities for older individuals, as practicable, including as provided via virtual facilities; as used in §1321.85, facilitation of services in such a facility.

Native American, as used in the Act, means a person who is a member of any Indian Tribe, band, nation, or other organized group or community of Indians (including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) who:

- (2) Is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; or
- (2) Is located on, or in proximity to, a Federal or State reservation or rancheria; or is a person who is a Native Hawaiian, who is any individual any of whose ancestors were natives of the area which consists of the Hawaiian Islands prior to 1778.

Nutrition Services Incentive Program, as used in the Act, means grant funding to State agencies, eligible Tribal organizations, and Native Hawaiian grantees to support congregate and home-delivered nutrition programs by providing an incentive to serve more meals.

Official duties, as used in section 712 of the Act (42 U.S.C. 3058g) with respect to representatives of the Long-Term Care Ombudsman Program, means work pursuant to the Long-Term Care Ombudsman Program authorized by the Act, 45 CFR part 1324, subpart A, and/ or State law and carried out under the auspices and general direction of, or by direct delegation from, the State Long-Term Care Ombudsman.

Older relative caregiver, as used in section 372(a)(4) of the Act (42 U.S.C. 3030s(a)(4)), means a caregiver who is age 55 or older and lives with, is the informal provider of inhome and community care to, and is the primary caregiver for, a child or an individual with a disability;

- (2) In the case of a caregiver for a child is:
 - (iii) The grandparent, step-grandparent, or other relative (other than the parent) by blood, marriage, or adoption, of the child;
 - (iii) Is the primary caregiver of the child because the biological or adoptive parents are unable or unwilling to serve as the primary caregivers of the child; and
 - (iii) Has a legal relationship to the child, such as legal custody, adoption, or guardianship, or is raising the child informally; and
- (2) In the case of a caregiver for an individual with a disability, is the parent, grandparent, step-grandparent, or other relative by blood, marriage, or adoption of the individual with a disability.

Periodic, as used in this part to refer to the frequency of client assessment and data collection, means, at a minimum, once each fiscal year, and as used in section 307(a)(4) of the Act (42 U.S.C. 3027(a)(4)) to refer to the frequency of evaluations of, and public hearings on, activities and projects

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carried out under State and area plans, means, at a minimum once each State or area plan cycle.

Planning and service area, as used in section 305 of the Act (42 U.S.C. 3025), means an area designated by a State agency under section 305(a)(1)(E) (42 U.S.C. 3025(a)(1)(E)), for the purposes of local planning and coordination and awarding of funds under Title III of the Act, including a single planning and service area.

Private pay programs, as used in section 306(g) of the Act (42 U.S.C. 3026(g)), are a type of contract or commercial relationship and are programs, separate and apart from programs funded under the Act, for which the individual consumer agrees to pay to receive services under the programs.

Program development and coordination activities, as used in this part, means those actions to plan, develop, provide training, and coordinate at a systemic level those programs and activities which primarily benefit and target older adult and family caregiver populations who have the greatest social needs and greatest economic needs, including development of contracts, commercial relationships, or private pay programs.

Program income, means gross income earned by the non-Federal entity that is directly generated by a supported activity or earned as a result of the Federal award during the period of performance except as otherwise provided under Federal grantmaking authorities. Program income includes but is not limited to income from fees for services performed, the use or rental of real or personal property acquired under Federal awards, the sale of commodities or items fabricated under a Federal award, license fees and royalties on patents and copyrights, and principal and interest on loans made with Federal award funds. Interest earned on advances of Federal funds is not program income. Except as otherwise provided in Federal statutes, regulations, or the terms and conditions of the Federal award, program income does not include rebates, credits, discounts, and interest earned on any of them. See also 35 U.S.C. 200–212 (which applies to inventions made under Federal awards).

Reservation, as used in section 305(b)(2) of the Act (42 U.S.C. 3025(b)(2)) with respect to the designation of planning and service areas, means any Federally or State recognized American Indian Tribe's reservation, pueblo, or colony, including former reservations in Oklahoma, Alaska Native regions established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), and Indian allotments.

Service provider, means an entity that is awarded funds, including via a grant, subgrant, contract, or subcontract, to provide direct services under the State or area plan. Severe disability, as used to carry out the provisions of the Act, means a severe, chronic disability attributable to mental or physical impairment, or a combination of mental and physical impairments, that:

(2) Is likely to continue indefinitely; and

- (2) Results in substantial functional limitation in three or more of the following major life activities: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, economic self-sufficiency, cognitive functioning, and emotional adjustment.

Severe disability, as used to carry out the provisions of the Act, means a severe, chronic disability attributable to mental or physical impairment, or a combination of mental and physical impairments, that:

(2) Is likely to continue indefinitely; and

- (2) Results in substantial functional limitation in three or more of the following major life activities: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, economic self-sufficiency, cognitive functioning, and



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emotional

adjustment.

Single planning and service area State means a State which was approved on or before October 1, 1980, as such and continues to operate as a single planning and service area.

State, as used in this part, means one or more of the 50 States, the District of Columbia, and the Territories of Guam, Puerto Rico, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands, unless otherwise specified.

State agency, as used in this part, means the designated State unit on aging for each of the 50 States, the District of Columbia, and the Territories of Guam, Puerto Rico, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands, unless otherwise specified.

State plan administration, as used in this part, means funds used to carry out activities as set forth in section 307 of the Act (42 U.S.C. 3027) and other activities to fulfill the mission of the State agency as set forth in § 1321.5.

Supplemental foods, as used in this part, means foods that assist with maintaining health, but do not alone constitute a meal. Supplemental foods include liquid nutrition supplements or enhancements to a meal, such as additional beverage or food items,

and may be specified by State agency policies and procedures. Supplemental foods may be provided with a meal, or separately, to older adults who participate in either congregate or home delivered meal services.

Voluntary contributions, as used in section 315(b) of the Act (42 U.S.C. 3030c-2(b)), means donations of money or other personal resources given freely, without pressure or coercion, by individuals receiving services under the Act.

New Mexico New Mexico Administrative Code (NMAC) Definitions

- A. **“Administration on aging”** is the federal agency, which is a part of the United States department of health and human services, charged with the responsibility of implementing the Older Americans Act.
- B. **“Advocacy”** is defined as non-lobbying activities designed to create change in legislation and policies which benefit both individuals and groups of individuals.
- C. **“Area plan”** is a document submitted by an Area Agency on Aging to the department which provides for the provision of services and centers to meet the needs of older individuals in the planning and service area(s) administered.
- D. **“Conflicts of interest”** means:
 - (2) one or more conflicts between the private interests and the official responsibilities of a person in a position of trust;
 - (2) one or more conflicts between competing duties of an individual, or between the competing duties, services, or programs of an organization, or portion of an organization; and

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(2) other conflicts of interest identified in guidance issued by the assistant secretary.

E. **“Corporation for national and community service”** (CNCS) is the federal agency that administers federal domestic volunteer programs.

F. **“Cost sharing”** means requesting payment using a sliding scale, based on an individual’s income and the cost of delivering the service, in a manner consistent with the exceptions, prohibitions, and other conditions laid out in the Act.

G. **“DAB”** means the departmental grant appeals board of the United States department of health and human services as described and defined in 45 C.F.R. Sections 1 and 2.

H. **“Department”** as used in these rules means the New Mexico Aging and Long-Term Services Department.

I. **“Domestically produced foods”** means agricultural foods, beverages and other food ingredients which are a product of the United States, its territories or possessions, the Commonwealth of Puerto Rico, or the Trust Territories of the Pacific Islands (hereinafter referred to as “the United States”), except as may otherwise be required by law, and shall be considered to be such a product if it is grown, processed, and otherwise prepared for sale or distribution exclusively in the United States except with respect to minor ingredients. Ingredients from nondomestic sources will be allowed to be utilized as a United States product if such ingredients are not otherwise:

(2) produced in the United States; and

(2) commercially available in the United States at fair and reasonable prices from domestic sources.

J. **“Family caregiver”** means an adult family member, or another individual, who is an informal provider of in-home and community care to an older individual; an adult family member, or another individual, who is an informal provider of in-home and community care to an individual of any age with Alzheimer’s disease or a related disorder with neurological and organic brain dysfunction; or an older relative caregiver. For purposes of this part, family caregiver does not include individuals whose primary relationship with the older adult is based on a financial or professional agreement.

K. **“Indian tribal organization”** is the recognized governing body of any Indian tribe or any legally established organization of Indians which is controlled, sanctioned, or chartered by the governing body.

L. **“Long-term care ombudsman”** (LTCO) means an individual trained and certified to act as a representative of the office of the state long-term care ombudsman.

M. **“Low income”** is defined as having an annual family income at or below one hundred twenty five percent of the federal poverty level.

N. **“Major disaster declaration”** means a presidentially declared disaster under the Robert T. Stafford Relief and Emergency Assistance Act (42 U.S.C. Sections 5121 through 5207).

O. **“Means test”** means the use of the income, assets, or other resources of an older person, family caregiver, or the households thereof to deny or limit that person’s eligibility to receive services under this part. Means tests shall be prohibited in determining eligibility for any services administered by the department or its designees.

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- P. **“Minorities”** are individuals who are of Hispanic, Native American Indian (including Hawaiian and Eskimo), African American, or Asian heritage.
- Q. **“Native American”** means a person who is a member of any Indian Tribe, band, nation, or other organized group or community of Indians (including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. Section 1601 et seq.) who:
- (2) is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; or
 - (2) is located on, or in proximity to, a federal or state reservation or rancheria; or is a person who is Native Hawaiian, who is any individual any of whose ancestors were natives of the area which consists of the Hawaiian Islands prior to 1778.
- R. **“Older Americans Act”** means the Older Americans Act of 1965, 42 U.S.C. Sections 3001-3058.
- S. **“Older relative caregiver”** means a caregiver who is age 55 or older and lives with, is the informal provider of in-home and community care to, and is the primary caregiver for a child or an individual with a disability, and
- (2) in the case of a caregiver for a child, is:
 - (c) the grandparent, step-grandparent, or other relative (other than the parent) by blood, marriage, or adoption, of the child;
 - (c) the primary caregiver of the child because the biological or adoptive parents are unable or unwilling to serve as the primary caregivers of the child; or
 - (c) has a legal relationship to the child, such as legal custody, adoption, or guardianship, or is raising the child informally; and
 - (2) in the case of a caregiver for an individual with a disability, is the parent, grandparent, step-grandparent, or other relative by blood, marriage, or adoption of the individual with a disability.
- T. **“Nutrition Services Incentive Program”** means grant funding to state agencies, eligible tribal organizations, and Native Hawaiian grantees to support congregate and home-delivered nutrition programs by providing an incentive to serve more meals.
- U. **“Participants”** are individuals who are eligible to receive services or to participate in particular programs administered by the department or its designees.
- V. **“Policies and procedures”** is the aging and long-term services department’s policies and procedures guide. The policies and procedures provide detailed information for the successful administration of the department’s mission and the requirements and procedures necessary for the management of its programs, services, partnerships, and the systems it has established for the benefit of older individuals. The policies and procedures also detail the federal requirements mandated by the Older Americans Act of 1965 and its implementing regulations.
- W. **“Private pay programs”** are a type of contract or commercial relationship and are programs, separate and apart from programs funded under the Act, for which the individual consumer agrees to pay to receive services under the programs.
- X. **“Program income”** means gross income earned by the non-federal entity that is directly generated by a supported activity or earned as a result of the federal award during the period of performance except as otherwise provided under federal grantmaking authorities. Program income includes, but is not limited to, income from fees for services performed, the use or rental of real or

personal property acquired under federal awards, the sale of commodities or items fabricated under a federal award, license fees and royalties on patents and copyrights, and principal and interest on loans made with federal award funds. Interest earned on advances of federal funds is not program income. Except as otherwise provided in federal statutes, regulations, or the terms and conditions of the federal award, program

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income does not include rebates, credits, discounts, and interest earned on any of them. See also 35 U.S.C. Sections 200 to 212 (which applies to inventions made under federal awards).

- Y. **“Provider”** means an entity that is awarded funds, including via a grant, subgrant, contract, or subcontract, to provide direct services under the state or area plan.
- Z. **“Reservation”** means any federally or state recognized American Indian tribe’s reservation, pueblo, or colony, including former reservations in Oklahoma, Alaska Native regions established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. Section 1601 et seq.), and Indian allotments.
- AA. **“Right of first refusal”** is a provision in the Older Americans Act which requires the department to give priority to public agencies or units of general purpose local government when designating area agencies on aging.
- BB. **“State ombudsman”** means the individual who heads the office and is responsible to personally, or through representatives of the office, fulfill the functions, responsibilities, and duties set forth in 45 C.F.R. Sections 1324.13 and 1324.19.
- CC. **“State plan on aging” or “state plan”** is a document submitted by the state in order to receive grants from its allotments under the Older Americans Act.
- DD. **“Supplemental foods”** means foods that assist with maintaining health but do not alone constitute a meal. Supplemental foods include liquid nutrition supplements or enhancements to a meal, such as additional beverage or food items, and may be specified by state agency policies and procedures. Supplemental foods may be provided with a meal, or separately, to older adults who participate in either congregate or home delivered meal services.
- EE. **“Unit of general purpose local government”** means a political subdivision of the state whose authority is general and not limited to one function or combination of related functions, or an Indian tribal organization.
- FF. **“Voluntary contributions”** means donations of money or other personal resources given freely, without pressure or coercion, by individuals receiving services under the Older Americans Act and its implementing regulations.
[9.2.1.7 NMAC - Rp, SAA Rule No. 95-1.7, 06/30/2015; Rp, 9.2.1.7, xx/xx/2025]

New Mexico SUA Definitions

“Area Agency on Aging (AAA)” An Area Agency on Aging (AAA) is a public or private nonprofit agency designated by a state to address the needs and concerns of all older persons at the regional and local levels. AAA is a general term — names of local AAAs may vary.

- AAAs are primarily responsible for a geographic area, also known as a planning and service area (PSA), that is either a city, a single county, or a multi-county district. AAAs may be categorized as a county, city, regional planning council or council of governments, private, or nonprofit.

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- AAAs coordinate and offer services that help older adults remain in their homes, if that is their preference, aided by services such as home-delivered meals, homemaker assistance, and whatever else it may take to make independent living a viable option. By making a range of supports available, AAAs make it possible for older individuals to choose the services and living arrangements that suit them best.

[Area Agencies on Aging | ACL Administration for Community Living](#)

“AAAs and Services” Area Agencies on Aging are regional or local agencies that address the needs of older adults. They often administer programs funded by the Older Americans Act, including meal programs, transportation, and case management.

- Use and reporting of program income (§1321.9(c)(2)(xii))
- Private pay arrangements (§1321.9(c)(2)(xiii)): 1321.9(c)(2)(xiii) programs funded under the Older Americans Act in New Mexico also offer services for individuals who are not eligible for or choose not to use the grant-funded services, those private pay programs must adhere to specific requirements and have established policies and procedures as overseen by the New Mexico State Unit on Aging.

In other words, while the main focus of this regulation is on the administration of grant funds for older adults, it also acknowledges that some organizations receiving these funds may have private pay options for services. The State Unit on Aging is tasked with setting and enforcing rules for those private pay programs to ensure their integrity and appropriate operation.

“Allowable and non-allowable costs” (§1321.9(c)(2)(xiv–xv)) address allowable and non-allowable costs related to aging and long-term care programs, particularly focusing on financial requirements and the use of funds. These provisions detail what costs are permissible for state agencies and area agencies on aging to incur when administering programs funded under the OAA, including those related to nutrition services

“Cost sharing (if applied) (§1321.9(c)(2)(xi))” Area Agency on Aging (AAAs) can implement cost sharing, or sliding fee scales, for services like meals, transportation, and case management, but only if it doesn't prevent access for low-income, minority, rural, or socially isolated individuals. Cost sharing allows clients to contribute financially to the cost of services, and the AAA or provider must inform individuals that fees may apply and of the sliding fee scale.

“Cost Sharing Intent” The Older Americans Act prioritizes serving those most in need, so cost sharing should not be implemented in a way that hinders access for targeted populations.

“Sliding Fee Scale” If cost sharing is implemented, it can involve a sliding fee scale, where fees are adjusted based on income.

“Community Input” Before implementing cost sharing, AAAs must solicit feedback from older adults, providers, and other stakeholders in their service area

“Fee Definition” A fee is a charge allowed by law for a specific service. Fees are to be based on the actual cost of providing a service (as determined by a program, submitted to an AAA and approved by the department).

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Regarding any fees charged for Older Americans Act services, determination of a client's fee for a service shall be based on a client's confidential self-declaration of income, and spouse's income (if applicable), without verification. Older Americans Act services may not be denied due to the income of an individual or an individual's failure to make a cost sharing payment.

“Key Aspects of Allowable and Non-Allowable Costs”

- o Non-Federal Share (Match):
- o Federal funding for OAA programs, with the exception of [National Family Caregiver Support Program \(NSIP\)](#) funds, may not exceed 85% of the total expended, requiring a 15% match. This match can be from State or local public sources, and can include cash or third-party in-kind contributions that meet specified criteria.
- o Private Pay Programs:
 - § The regulations encourage the establishment of requirements for private pay programs to allow area agencies on aging (AAAs) and providers to leverage OAA funding to serve more older adults.
- o Voluntary Contributions:
 - o Policies and procedures related to voluntary contributions must include suggested contribution levels based on the actual cost of services and encourage contributions from individuals with incomes at or above 185% of the Federal poverty level.
- o Fundraising Activities:
 - § Fundraising activities are generally unallowable without prior written approval, but proceeds from fundraising activities can be used to meet the match requirement as long as no Federal funds were used in the fundraising **activity**.

“**Monitor Nutrition Providers**” A Monitoring Template is provided for evaluating whether nutrition activities meet OAA requirements. [Policies and Procedures | ACL Administration for Community Living](#)

“**Nutrition Services**” The nutrition program delivers more than just meals to older Americans — it nourishes communities by providing vital socialization, education, and access to supportive services.

Local program services are available to those 60+, their spouses of any age, and individuals with disabilities who live in facilities occupied primarily by older adults receiving congregate meals. Local agencies may also offer meals to volunteers serving during meal-hours and to people with disabilities who live at home with eligible older adults.

[Nutrition Services | ACL Administration for Community Living](#)

“**Nutrition Services Incentive Program**” The Nutrition Services Incentive Program (NSIP) of the Older Americans Act (OAA) provides grants to states, territories, and eligible tribal organizations to support the OAA congregate and home-delivered nutrition programs by providing an incentive (cash, commodities, or combination of cash and commodities) to serve more meals. The NSIP is authorized by Section 311 of the [OAA](#).

[Nutrition Services Incentive Program \(NSIP\) | ACL Administration for Community Living](#)

“**State Legal Assistance Developer**” Model Approaches to Statewide Legal Assistance Systems grants helped states develop and implement effective approaches for integrating low-cost legal mechanisms into statewide legal/aging service delivery networks to enhance overall service delivery capacity. State Legal Assistance Developers (LADs) led Model

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Approaches projects, which incorporated Senior Legal Helplines (SLHs) and other low-cost options for providing legal assistance into statewide grant-related initiatives. Key project partners in some grantee states included Older Americans Act Title III-B-funded legal assistance providers, private bar practitioners serving in a pro-bono capacity, law school clinics, and pop-up clinics and other means of providing self-help materials to older persons so they could solve their legal problems. Life-threatening legal issues addressed by legal assistance providers included income security, health care financing, consumer fraud, housing preservation and homelessness prevention, foreclosure prevention, and elder abuse.

[Model Approaches to Statewide Legal Assistance | ACL Administration for Community Living](#)

"State Unit on Aging (SUA)" means are designated state-level agencies that are responsible for developing and administering multi-year state plans that advocate for and provide assistance to older residents, their families, and, for adults with physical disabilities.

Funding is allocated to each SUA based on the number of persons over the age of 60 in the state.

[State Units on Aging | ACL Administration for Community Living](#)

"Title III" Older Americans Act Title III services account for the largest portion of the Act's funding, supporting a comprehensive national network of federal, state, and local agencies. These are the agencies that plan and provide services to help older adults live independently in their homes and communities. This support includes case management, community services, in-home services, transportation, and information and referral; nutrition programs; family caregiver support; and health promotion and disease prevention services.

[Overview of Older Americans Act Title III Programs: 2018 Summary of Highlights and Accomplishments](#)

"Title VI" ACL funds programs that support American Indians, Alaska Natives and Native Hawaiians in the areas of nutrition, supportive services for older adults, and caregiver services under Title VI of the Older Americans Act. The nutrition and supportive services grants include congregate and home-delivered meals, information and referral, transportation, personal care, chores, health promotion and disease prevention, and other supportive services. The caregiver services grants include assisting families in caring for older relatives with chronic illness or disability, and grandparents caring for grandchildren. There are other necessary services provided by ACL grants so the people we serve have meaningful support to help them live independently in their communities.

[Services for Native Americans \(OAA Title VI\) | ACL Administration for Community Living](#)

"Title VII Chapter 3 Funds" The Long-Term Care Ombudsman Program (LTCOP) is designed to protect and promote the health, safety, welfare, and rights of long-term care residents in all 50 states, as well as the District of Columbia, Puerto Rico, and Guam. Long-term care facilities include nursing homes, board and care and assisted living facilities, and other residential care communities. To achieve their mission, state and local long-term care ombudsman (LTCO) programs, with the help of paid staff and thousands of volunteers, engage in a range of activities at the individual, system, and community level.

[OAA Report Module 3 Title VII LTCOP](#)

"Transparency and Privacy" When using a sliding fee scale, the agency must ensure confidentiality and



New Mexico Aging & Long-Term Services Department

Michelle Lujan Grisham, Governor

Emily Kaltenbach, Cabinet Secretary

Antoinette Vigil, Deputy Cabinet Secretary

Angelina Flores-Montoya, Deputy Cabinet Secretary

New Mexico Aging & Long-Term Services Department

2550 Cerrillos Road, Santa Fe, NM 87505

800-432-2080 | aging.nm.gov | [@newmexicoaging](https://twitter.com/newmexicoaging)