

CHAPTER 88A**PLANNING AND SERVICE AREAS AND AREA AGENCIES ON AGING****Authority**

42 U.S.C. §§ 3001 et seq.; 45 C.F.R. § 1321;
and N.J.S.A. 40:23-6.38 and 6.44.

Source and Effective Date

R.2005 d.382, effective November 7, 2005.
See: 36 N.J.R. 5071(a), 37 N.J.R. 4259(a).

Chapter Expiration Date

Chapter 88A, Planning and Service Areas and Area Agencies on Aging, expires on November 7, 2010.

Chapter Historical Note

Chapter 88A, Planning and Service Areas and Area Agencies on Aging, was adopted as R.1999 d.307, effective September 7, 1999. See: 31 N.J.R. 633(a), 31 N.J.R. 2620(a).

Chapter 88A, Planning and Service Areas and Area Agencies on Aging, was adopted as new rules by R.2005 d.382, effective November 7, 2005. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS**8:88A-1.1 Purpose**

(a) This chapter sets forth the procedures for establishing planning and service areas within the State, and designating Area Agencies on Aging, consistent with the Older Americans Act of 1965, and amendments thereto, 42 U.S.C. §§ 3001 et seq.

(b) This chapter sets forth the procedure for revocation of the designation of an Area Agency on Aging.

(c) This chapter sets forth the procedure for redefining the boundaries of the planning and service areas of the State.

8:88A-1.2 Definitions

Words and terms used in this chapter shall have the meanings set forth below, unless the context clearly indicates otherwise.

“Act” means the Older Americans Act of 1965, P.L. 89-73 (42 U.S.C. §§ 3001 et seq.), and amendments thereto.

“Area Agency on Aging” means a public or private non-profit agency designated by the State Division in accordance with this chapter and 45 C.F.R. § 1321.17 to act as the central coordinating and planning body for older adult services within a PSA.

“Area Plan” means the document completed by each Area Agency on Aging and submitted to the State Division delineating the comprehensive and coordinated system of service delivery to be provided for older adults in the PSA through the allocation of Federal, State and local dollars.

“Assistant Secretary for Aging” means the Assistant Secretary of the United States Administration on Aging, within the Department of Health and Human Services.

“Planning and Service Area” or “PSA” means the geographic unit designated by the State Division for the allocation of funds and the delivery of services for older adults.

“Revoke” means to withdraw the designation as an Area Agency on Aging from an existing agency.

“State Division” means the Division of Aging and Community Services in the Division of Senior Services of the New Jersey Department of Health and Senior Services.

“Unit of general purpose local government” means a political subdivision of the State whose authority is general and not limited to only one function or combination of related functions, or an Indian tribal organization.

Amended by R.2005 d.382, effective November 7, 2005.
See: 36 N.J.R. 5071(a), 37 N.J.R. 4259(a).

Rewrote definitions “Area Agency on Aging”, “Area Plan”, “Planning and Service Area” and “State Division.”

8:88A-1.3 Notice and public hearing requirements

(a) The State Division shall provide no less than 60 days written notice of any intended action to define or redefine a PSA, or designate or revoke an Area Agency on Aging designation, except that this requirement shall not apply to PSAs and Area Agency on Aging designations established prior to September 7, 1999.

(b) The notice shall be published in the New Jersey Register and in the legal notices of the newspaper of largest circulation in the geographical area affected at the time of the notice, with copies sent to all Areas Agencies on Aging and units of general purpose local governments in the area affected.

(c) The notice shall include at least the following:

1. A summary of the intended action, including the geographic locations in which the impact of the intended action will be most substantial;

2. Whether the State Division is accepting applications with respect to the intended action, with instructions relevant to the submission of application(s), if any, including the final date for submission of the application, and how additional details, such as format requirements, may be obtained; and

3. The location, time, and date for a public hearing to be held by the State Division concerning the intended action, and instructions to be followed by those persons who desire to submit written and/or oral comments at the public hearing.

(d) The State Division shall hold a public hearing within the PSA most affected by the intended action, or within the PSA where the action regarding the Area Agency on Aging is intended to occur, as appropriate, in a location that encourages full participation by county and regional aging interests, including service providers and older individuals.

1. The State Division shall maintain a record of the public hearing.

2. The hearing shall not be held until after the closing date of submission of applications, if any, so that consideration of the intended action shall be based on the applications received.

(e) The State Division shall provide written notice, as set forth in (b) above, of its final action on the matter, specifying the reasons for the decision.

7. The location of units of general purpose local government within the State.

8:88A-2.2 Designation as a Planning and Service Area (PSA)

(a) A PSA designation shall be subject to the following minimum standards:

1. The PSA shall encompass a unit of general purpose local government with a population of 100,000 or more; or

2. The PSA shall encompass any region within the State recognized for purposes of area-wide health planning that includes one or more units of general purpose local government.

(b) In addition to (a) above, the State Division may include within a PSA geographic areas adjacent to a unit of general purpose local government, if the State Division determines that doing so will be necessary for, and will enhance, the effective administration of services required or authorized by the Act.

(c) A PSA may be modified by the State Division on its own initiative or upon application made by the chief elected executive of any unit of general purpose local government which has a population of 100,000 or more, or by any region within the State recognized for purposes of area-wide health planning.

1. The factors for consideration of any modification of a PSA shall be those set forth at N.J.A.C. 8:88A-2.1.

2. Applications may be submitted to:

Administrator, Office of Area Aging
Administration
Division of Aging and Community Services
Department of Health and Senior Services
PO Box 807
Trenton, NJ 08625-0807

(d) Prior to taking action on designation or modification of a PSA, notice and a public hearing shall be held in accordance with N.J.A.C. 8:88A-1.3.

(e) Following the public hearing, the State Division shall review all relevant data including:

1. The testimony from the public hearing;

2. The impact such a change would have on services to older adults in the affected areas;

3. The effect on other counties and Area Agencies on Aging in the State; and

4. The administration of the State Division's programs throughout the State.

SUBCHAPTER 2. DESIGNATION AND REVOCATION OF PSAs AND AREA AGENCIES ON AGING

8:88A-2.1 Requirements for PSAs

(a) The State Division shall divide the State into distinct PSAs, based on the following factors:

1. The geographic distribution of older individuals in the State;

2. The incidence of the need for supportive services, nutrition services, multi-purpose senior centers, and legal assistance;

3. The distribution of older individuals who have greatest social and economic need (with particular attention to low-income minority individuals);

4. The distribution of older individuals who are American Indians;

5. The distribution of resources available to provide the items set forth in (a)2 above;

6. The boundaries of existing areas within the State which were drawn for the planning or administration of supportive services programs, if any; and