

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 6 NAPRAPATHIC PRACTITIONERS
PART 11 PARENTAL RESPONSIBILITY ACT

16.6.11.1 ISSUING AGENCY: New Mexico Medical Board, hereafter called the board.
[16.6.11.1 NMAC - N, 9/30/2004; A, 9/22/2011]

16.6.11.2 SCOPE: This part applies to the board, licensees, applicants, and the general public.
[16.6.11.2 NMAC - N, 09-30-04]

16.6.11.3 STATUTORY AUTHORITY: This part is adopted pursuant to and in accordance with the Naprapathic Practice Act, Sections 61-12F-1 through 61-12F-11 NMSA 1978.
[16.6.11.3 NMAC - N, 9/30/2004; A, 9/22/2011]

16.6.11.4 DURATION: Permanent.
[16.6.11.4 NMAC - N, 09-30-04]

16.6.11.5 EFFECTIVE DATE: September 30, 2004, unless a later date is cited at the end of a section.
[16.6.11.5 NMAC - N, 09-30-04]

16.6.11.6 OBJECTIVE: This part establishes the requirements for compliance of the Parental Responsibility Act as it pertains to licensees and applicants for licensure.
[16.6.11.6 NMAC - N, 09-30-04]

16.6.11.7 DEFINITIONS:

- A.** "HSD" means the New Mexico human services department.
 - B.** "Statement of compliance" means a certified statement from HSD stating that an applicant or licensee is in compliance with a judgment and order for support.
 - C.** "Statement of non-compliance" means a certified statement from HSD stating that an applicant or licensee is not in compliance with a judgment and an order for support.
- [16.6.11.7 NMAC - N, 9/30/2004]

16.6.11.8 PARENTAL RESPONSIBILITY ACT:

- A.** The board adopts this section pursuant to the Parental Responsibility Act (Ch. 25, Laws of 1995).
 - B.** All terms defined in the Parental Responsibility Act shall have the same meanings in this section.
- [16.6.11.8 NMAC - N, 9/30/2004]

16.6.11.9 DISCIPLINARY ACTION: If an applicant or licensee is not in compliance with a judgment and order for support, the board:

- A.** shall deny an application for a license;
 - B.** shall deny the renewal of a license; and
 - C.** has grounds for suspension or revocation of the license.
- [16.6.11.9 NMAC - N, 9/30/2004]

16.6.11.10 CERTIFIED LIST: Upon receipt of HSD's certified list of obligors not in compliance with a judgment and order for support, the board shall match the certified list against the current list of board licensees and applicants. Upon the later receipt of an application for license or renewal, the board shall match the applicant against the current certified list. By the end of the month in which the certified list is received, the board shall report to HSD the names of board applicants and licensees who are on the certified list and the action the board has taken in connection with such applicants and licensees.
[16.6.11.10 NMAC - N, 9/30/2004]

16.6.11.11 INITIAL ACTION: Upon determination that an applicant or licensee appears on the certified list, the board shall:

- A.** commence a formal proceeding in accordance with the Uniform Licensing Act (61-1-1 et seq.) to take the appropriate action pursuant to the Parental Responsibility Act; or

B. for current licensees only, informally notify the licensee that the licensee's name is on the certified list, and that the licensee must provide the board with a subsequent statement of compliance from HSD for license renewal or a specified date not to exceed thirty days; if the licensee fails to provide this statement, the board shall commence a formal proceeding in accordance with the Uniform Licensing Act.
[16.6.11.11 NMAC - N, 9/30/2004; A, 9/22/2011]

16.6.11.12 NOTICE OF CONTEMPLATED ACTION: Prior to taking any action pursuant to the Uniform Licensing Act, the board shall serve upon the applicant or licensee a written notice stating that:

A. the board has grounds to take such action, and that the board shall take such action unless the licensee or applicant:

(1) mails a letter (certified mail return receipt requested) within twenty (20) days after service of the notice requesting a hearing; or

(2) provides the board, within thirty (30) days of the date of the notice, with a statement of compliance from HSD;

B. if the applicant or licensee disagrees with the determination of non-compliance, or wishes to come into compliance, the applicant or licensee should contact the HSD child support enforcement division.

[16.6.11.12 NMAC - N, 9/30/2004]

16.6.11.13 EVIDENCE AND PROOF: In any hearing pursuant to the Uniform Licensing Act, relevant evidence is limited to the following:

A. a statement of non-compliance is conclusive evidence that requires the board to take the appropriate action pursuant to the Parental Responsibility Act, unless:

B. the applicant or licensee provides the board with a subsequent statement of compliance which shall preclude the board from taking any action under the Uniform Licensing Act.

[16.6.11.13 NMAC - N, 9/30/2004]

16.6.11.14 ORDER: When a disciplinary action is taken pursuant to the Uniform Licensing Act solely because the applicant or licensee is not in compliance with a judgment and order for support, the order shall state that the application or license shall be reinstated upon presentation of a subsequent statement of compliance. The board may also include any other conditions necessary to comply with board requirements for re-applications or reinstatement of lapsed licensees.

[16.6.11.14 NMAC - N, 9/30/2004]

HISTORY OF 16.6.11 NMAC: [RESERVED]