

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 1 OCCUPATIONAL AND PROFESSIONAL LICENSING GENERAL PROVISIONS
PART 1 PARENTAL RESPONSIBILITY ACT COMPLIANCE

16.1.1.1 ISSUING AGENCY: New Mexico Regulation and Licensing Department, on behalf of the department, its divisions, and all administratively attached boards and commissions.
[16.1.1.1 NMAC - Rp, 16 NMAC 1.1.I.100, 01/23/11]

16.1.1.2 SCOPE: This part applies to disciplinary proceedings by an issuing agency pursuant to the Parental Responsibility Act against a license, certificate, registration or permit required to engage in a profession or occupation.
[16.1.1.2 NMAC - Rp, 16 NMAC 1.1.I.101, 01/23/11]

16.1.1.3 STATUTORY AUTHORITY: This part is adopted pursuant to the Parental Responsibility Act, Sections 40-5A-1 to 40-5A-13 NMSA 1978.
[16.1.1.3 NMAC - Rp, 16 NMAC 1.1.I.102, 01/23/11]

16.1.1.4 DURATION: Permanent.
[16.1.1.4 NMAC - Rp, 16 NMAC 1.1.I.103, 01/23/11]

16.1.1.5 EFFECTIVE DATE: January 23, 2011, unless a later date is cited at the end of a section.
[16.1.1.5 NMAC - Rp, 16 NMAC 1.1.I.104, 01/23/11]

16.1.1.6 OBJECTIVE: This part is intended to implement the requirements of the Parental Responsibility Act as they apply to the issuance, renewal, suspension or revocation of any license, certificate, registration or permit required to engage in a profession or license by an issuing agency under this part.
[16.1.1.6 NMAC - Rp, 16 NMAC 1.1.I.105, 01/23/11]

16.1.1.7 DEFINITIONS:

A. All terms defined in the Parental Responsibility Act shall have the same meanings in this part unless defined below.

B. As used in this part:

(1) “agency” means as the context requires, the issuing agency that is implementing the Parental Responsibility Act;

(2) “HSD” means the New Mexico human services department;

(3) “license” means a license, certificate, registration or permit issued by an agency that a person is required to have to engage in a profession or occupation in New Mexico;

(4) “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;

(5) “statement of non-compliance” means a certified statement from HSD stating that an applicant or licensee is not in compliance with a judgment and order for support.

[16.1.1.7 NMAC - Rp, 16 NMAC 1.1.I.106, 01/23/11]

16.1.1.8 DISCIPLINARY PROCEEDINGS:

A. Disciplinary action: If an applicant or licensee is not in compliance with a judgment and order for support, the agency:

(1) shall deny an application for a license;

(2) shall deny the renewal of a license; and

(3) has grounds for suspension or revocation of a license.

B. Certified list: Upon receipt of HSD’s certified list of obligors not in compliance with a judgment and order for support, the agency shall match the certified list against the current list of agency applicants and licensees. Upon the later receipt of an application for licensure or renewal, the agency shall match the applicant against the current certified list. By the end of the month in which the certified list is received, the agency shall report to HSD the names of agency applicants and licensees who are on the certified list and the action the agency has taken in connection with such applicants and licensees.

C. Initial action: Upon determination that an applicant or licensee appears on the certified list, the agency shall:

(1) commence a formal proceeding under Subsection D of 16.1.1.8 NMAC to take the appropriate action under Subsection A of 16.1.1.8 NMAC; or

(2) 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 agency with a subsequent statement of compliance by the earlier of the application for license renewal or a specified date not to exceed six months; if the licensee fails to provide the statement, the agency shall commence a formal proceeding under Subsection D of 16.1.1.8 NMAC.

D. Notice of contemplated action: Prior to taking any action specified in Subsection A of 16.1.1.8 NMAC, the agency shall serve upon the applicant or licensee a written notice stating that:

(1) the agency has grounds to take such action, and that the agency shall take such action unless the licensee or applicant:

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

(b) provides the agency, within 30 days of the date of the notice, with a statement of compliance, and

(2) 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.

E. Evidence and proof: In any hearing under this part, relevant evidence is limited to the following:

(1) a statement of non-compliance is conclusive evidence that requires the agency to take the appropriate action under Subsection A of 16.1.1.8 NMAC, unless;

(2) the applicant or licensee can provide the agency with a subsequent statement of compliance which shall preclude the agency from taking any action based solely on the prior statement of non-compliance.

F. Order: When an action is taken under this part solely because the applicant or licensee is not in compliance with a judgement 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 agency may also include any other conditions necessary to comply with agency requirements for reapplication or reinstatement of lapsed licenses.

G. Procedures: Proceedings under this part shall be governed by the Uniform Licensing Act, Section 61-1-1 NMSA 1978, *et seq.*, or any other adjudicatory procedures adopted by the agency.
[16.1.1.8 NMAC - Rp, 16 NMAC 1.1.II.200-206, 01/23/11]

HISTORY OF 16.1.1 NMAC:

Pre-NMAC History: None

History of Repealed Material:

16 NMAC 1.1 NMAC, Parental Responsibility Act Compliance (filed 11/03/1995) repealed 1/23/2011.

NMAC History:

16 NMAC 1.1, Parental Responsibility Act Compliance, (filed 11/03/1995) was repealed and replaced by 16.1.1 NMAC, Parental Responsibility Act Compliance, effective 1/23/2011.