

**TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 34 BARBERS AND COSMETOLOGISTS**  
**PART 16 PARENTAL RESPONSIBILITY ACT COMPLIANCE**

**16.34.16.1 ISSUING AGENCY:** Regulation and Licensing Department, Board of Barbers and Cosmetologists.  
[16.34.16.1 NMAC - Rp 16 NMAC 34.16.1, 06/16/2001]

**16.34.16.2 SCOPE:** All barbers, cosmetologists, hairstylists, estheticians, manicurist/pedicurists, manicurist/estheticians, instructors, electrologists, schools, enterprises and establishments.  
[16.34.16.2 NMAC - Rp 16 NMAC 34.16.2, 06/16/2001; A, 07/14/2018]

**16.34.16.3 STATUTORY AUTHORITY:** The board adopts this section pursuant to the Parental Responsibility Act, Chapter 25, Laws of 1995.  
[16.34.16.3 NMAC - Rp 16NMAC 34.16.3, 06/16/2001]

**16.34.16.4 DURATION:** Permanent  
[16.34.16.4 NMAC - Rp 16 NMAC 34.16.4, 06/16/2001]

**16.34.16.5 EFFECTIVE DATE:** June 16, 2001 unless a later date is cited in the history note at the end of a section.  
[16.34.16.5 NMAC - Rp 16 NMAC 34.16.5, 06/16/2001]

**16.34.16.6 OBJECTIVE:** This part establishes the requirements and possible penalties for non-compliance of the Parental Responsibility Act.  
[16.34.16.6 NMAC - Rp 16 NMAC 34.16.6, 06/16/2001]

**16.34.16.7 DEFINITIONS:** Refer to Part 1.  
[16.34.16.7 NMAC - Rp 16 NMAC 34.16.7, 06/16/2001]

**16.34.16.8 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.

[16.34.16.8 NMAC - Rp 16 NMAC 34.16.8, 06/16/2001]

**16.34.16.9 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 board has taken in connection with such applicants and licensees.  
[16.34.16.9 NMAC - Rp 16 NMAC 34.16.9, 06/16/2001]

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

- A.** commence a formal proceeding under 16.34.16.11 NMAC to take the appropriate action under 16.34.16.8 NMAC; 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 by the earlier of the application for license renewal or a specified date not to exceed sixty days; if the licensee fails to provide this statement, the board shall commence a formal proceeding under 16.34.16.11 NMAC.

[16.34.16.10 NMAC - Rp 16 NMAC 34.16.10, 06/16/2001]

**16.34.16.11 NOTICE OF CONTEMPLATED ACTION:** Prior to taking any action specified in 16.34.16.8 NMAC, 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 days after service of the notice requesting a hearing; or

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

**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.

[16.34.16.11 NMAC - Rp 16 NMAC 34.16.11, 06/16/2001]

**16.34.16.12 EVIDENCE AND PROOF:** In any hearing under this part, 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 under 16.34.16.8 NMAC, 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 this section.

[16.34.16.12 NMAC - Rp 16 NMAC 34.16.12, 06/16/2001]

**16.34.16.13 ORDER:** When a disciplinary action is taken under this part 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 condition necessary to comply with board requirements for reapplication or reinstatement of lapsed licenses.

[16.34.16.13 NMAC - Rp 16 NMAC 34.16.13, 06/16/2001]

**16.34.16.14 PROCEDURES:** Proceedings under this part shall be governed by the Uniform Licensing Act, Section 61-1-1, et seq.

[16.34.16.14 NMAC - Rp 16 NMAC 34.16.14, 06/16/2001]

**HISTORY OF 16.34.16 NMAC:**

**Pre-NMAC History:** [Reserved]

**History of Repealed Material:**

16 NMAC 34.16, Parental Responsibility Act Compliance - Repealed, 6/16/2001