

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 63 SOCIAL WORKERS
PART 13 DISCIPLINARY ACTION

16.63.13.1 ISSUING AGENCY: Regulation and Licensing Department, Board of Social Work Examiners
P.O. Box 25101, Santa Fe, NM 87504.
[9/8/96; 16.63.13.1 NMAC - Rn, 16 NMAC 63.13.1, 06/19/02]

16.63.13.2 SCOPE: All Baccalaureate Social Workers, Master Social Workers, and Independent Social Workers.
[9/8/96; 16.63.13.2 NMAC - Rn, 16 NMAC 63.13.2, 06/19/02]

16.63.13.3 STATUTORY AUTHORITY: These Parts are promulgated pursuant to the Social Work Practice Act, Section 61-31-8A, 14-2-1, 61-31-19 NMSA 1978.
[9/8/96; 16.63.13.3 NMAC - Rn, 16 NMAC 63.13.3, 06/19/02]

16.63.13.4 DURATION: Permanent
[9/8/96; 16.63.13.4 NMAC - Rn, 16 NMAC 63.13.4, 06/19/02]

16.63.13.5 EFFECTIVE DATE: January 5, 1995, unless a different date is cited at the end of a section.
[9/8/96; 16.63.13.5 NMAC – Rn & A, 16 NMAC 63.13.5, 06/19/02]

16.63.13.6 OBJECTIVE: To inform the licensees of the complaint procedure.
[9/8/96; 16.63.13.6 NMAC - Rn, 16 NMAC 63.13.6, 06/19/02]

16.63.13.7 DEFINITIONS: [Reserved]

16.63.13.8 PROCEDURES: Upon receipt of a complaint against any person licensed under the Social Work Practice Act (NMSA Sections 61-31-1 to 61-31-24) the Board may refer the complaint to the complaint committee.

A. The complaint committee shall review and investigate or cause to be investigated all complaints received by the Board. Complaints shall remain confidential while investigations are pending and shall not be a matter of public record until the Board takes disciplinary action pursuant to N.M. State. Ann. Section 61-31-17 (1978), as amended, and this Part.

B. Upon completion of the investigation initiated pursuant to this Part, the complaint committee or the Board shall submit to the Board those matters it feels justify further disciplinary action.

C. The Board may offer the licensee an informal type of discipline such as a letter of reprimand in lieu of initiating formal proceedings. The Board shall notify the licensee:

- (1) that a letter of reprimand has been officially proposed;
- (2) that the respondent must accept or reject the offer in writing;
- (3) that if accepted, a copy of the reprimand will remain in the private files of the Board; and
- (4) that if rejected, formal disciplinary action pursuant to the Uniform Licensing Act (NMSA 1978

Sections 61-1-1 to 61-1-31) will be initiated.

D. If accepted, the letter of reprimand shall be personally issued to the licensee by the Chairperson of the Board at the next scheduled Board meeting and served on the licensee by certified mail. Copies of the reprimand will be furnished to members of the Board and to the Board's attorney.

E. If a licensed social worker voluntarily surrenders their license or allows their license to expire in anticipation of, or during the course of an investigation, the Complaint Committee will complete its investigation and report the findings to the national database. Any publication or notification of action taken by the Board of Social Work Examiners will include the fact that the licensee voluntarily surrendered or allowed their license to expire during the investigation.

[6/22/92, 1/5/95, 5/1/99; 16.63.13.8 NMAC - Rn, 16 NMAC 63.13.8, 06/19/02]

HISTORY OF 16.63.13 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the commission of public records-state records center and archives:

Rule 13, Letter of Reprimand, 5/22/92.

Rule 13, Disciplinary Action, 12/5/94.

History of Repealed Material: [RESERVED]