

This is an amendment to 16.28.4 NMAC, Sections 7 and 11, effective 3/27/2021.

16.28.4.7 DEFINITIONS:

- A.** “**Complaint**” means a complaint filed with the board against an applicant for licensure or against a licensee.
 - B.** “**Complainant**” means the party who files a complaint against a licensee or an applicant for licensure.
 - C.** “**Respondent**” means the applicant for licensure or the licensee who is the subject of the complaint filed with the board.
 - D.** “**Hearing**” means the formal process whereby the respondent is afforded the opportunity to be heard by the board, or its designated hearing officer, before the board takes action which might result in the disciplinary action against the respondent’s application for licensure or ~~[his or her]~~ their license to practice signed language interpreting.
 - E.** “**Violation**” means a violation of the Signed Language Interpreting Practices Act or the rules and regulations duly adopted by the board.
 - F.** “**Notice of contemplated action**” or “**NCA**” means the administrative process provided for by the Uniform Licensing Act whereby the respondent is notified of the board’s intent to take action based upon the alleged violations of practice and whereby the respondent is afforded the opportunity for a hearing before the board.
 - G.** “**License revocation**” means to prohibit the conduct authorized by the license.
 - H.** “**License suspension**” means to prohibit, for a stated period of time, the conduct authorized by the license.
 - I.** “**License restricted subject to conditions**” means to allow the conduct authorized by the license for a stated period of time, subject to conditions that are reasonably related to the grounds for disciplinary action.
- [16.28.4.7 NMAC - N, 08/18/11; A, 3/27/2021]

16.28.4.11 STANDARDS OF PRACTICE COMMITTEE: The standards of practice committee is formed for the purpose of investigating disciplinary matters referred to it by the board. The board chairperson shall appoint a member or members of the board to the standards of practice committee.

- A.** The standards of practice committee shall review all documentation provided to it in reference to the subject complaint.
- B.** The standards of practice committee may provide the respondent with a copy of the complaint and allow a reasonable time for the respondent to respond to the allegations in the complaint.
- C.** The foregoing notwithstanding, the standards of practice committee will not be required to provide the respondent with notice of the complaint filing, or a copy of the complaint, or any related investigatory evidence prior to the notice of contemplated action, if the committee determines that disclosure may impair, impede, or compromise the efficacy or integrity of the investigation.
- D.** The standards of practice committee may employ an investigator or other persons determined to be necessary in order to assist in the processing and investigation of the complaint.
- E.** The standards of practice committee will have independent authority to direct the board administrator to contract for the services of such persons without prior approval of the board after the board administrator has determined budgetary availability for such services.
- F.** Upon completion of its investigation, the standards of practice committee shall submit to the board its proposed recommendations concerning the proper disposition of the subject complaint.
- G.** Upon review the board shall vote upon the proposed recommendations and either uphold, reverse, or modify the standards of practice committee recommendations.
- H.** Standards of practice committee members who participate in the preparation of recommendations to the remaining board members shall not participate further in any actions initiated by the board against the licensee or applicant who is the subject of the complaint.
- I.** If the board determines that it lacks jurisdiction, or that there is insufficient evidence or cause to issue a notice of contemplated action, the board may vote to dismiss or close the complaint.
- J.** If the board determines that there is sufficient evidence or cause to issue a notice of contemplated action, it may vote to refer the complaint to the attorney general’s office for possible prosecution in accordance with the provisions contained in the Uniform Licensing Act.

K. The board may take any other action with regard to the complaint which is within its authority and which is within the law, including referring the complaint to the attorney general ~~[and/or]~~ and the district attorney for prosecution of persons alleged to be practicing without a valid license.

[16.28.4.11 NMAC - N, 07/21/09; Repealed, 08/18/11; 16.28.4.11 NMAC - N, 08/18/11; A, 3/27/2021]