

**TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 3 ATHLETIC TRAINERS**  
**PART 9 DISCIPLINARY PROCEEDINGS**

**16.3.9.1 ISSUING AGENCY:** Regulation and Licensing Department New Mexico Athletic Trainers Practice Board Post Office Box 25101 Santa Fe, New Mexico 87504.  
[16.3.9.1 NMAC - Rp, 16.3.9.1 NMAC, 12/24/2021]

**16.3.9.2 SCOPE:** Outlines the disciplinary process taken if a violation of the athletic act or regulation occurs while licensed as an athletic trainer in the state of New Mexico.  
[16.3.9.2 NMAC - Rp, 16.3.9.2 NMAC, 12/24/2021]

**16.3.9.3 STATUTORY AUTHORITY:** These rules are promulgated pursuant to the Athletic Trainers Practice Act, Section 61-14D-1 to 61-14D-19 NMSA 1978.  
[16.3.9.3 NMAC - Rp, 16.3.9.3 NMAC, 12/24/2021]

**16.3.9.4 DURATION:** Permanent.  
[16.3.9.4 NMAC - Rp, 16.3.9.4 NMAC, 12/24/2021]

**16.3.9.5 EFFECTIVE DATE:** December 24, 2021, unless a later date is cited at the end of a section.  
[16.3.9.5 NMAC - Rp, 16.3.9.5 NMAC, 12/24/2021]

**16.3.9.6 OBJECTIVE:** Outlines and details the process and procedures for disciplinary action against an athletic trainer found in violations of act or regulations.  
[16.3.9.6 NMAC - Rp, 16.3.9.6 NMAC, 12/24/2021]

**16.3.9.7 DEFINITIONS:** [RESERVED]

**16.3.9.8 DISCIPLINARY PROCEEDINGS:**

- A.** Disciplinary proceedings may be initiated by the board upon the receipt of a sworn complaint of any person, including any member of the board.
- B.** Upon receipt of a sworn complaint, the board staff, with the concurrence of the board's attorney or a member of the board, shall determine if the allegation may involve a violation of the statute or regulations. Upon determination of a potential violation the staff will initiate an investigation of the allegations.
- C.** In accordance with the provisions of the Uniform Licensing Act, the board may take action against the licensee.
- D.** In addition the board may offer the licensee an informal type of discipline, including but not limited to, a letter of reprimand, in lieu of initiating formal proceedings. In these instances, the board shall notify the licensee of the following:
  - (1)** that a letter of reprimand has been officially proposed;
  - (2)** that the licensee has an opportunity to review the contents of the letter of reprimand and provide comments and accepts the form of discipline thereto;
  - (3)** that a copy of the letter of reprimand will remain in the files of the board for a specified period of time and the fact thereof shall be admissible in evidence, if relevant, during the course of any subsequent formal proceeding conducted pursuant to the Uniform Licensing Act.
- E.** A letter of reprimand issued pursuant to this rule shall be signed by the board chair and served upon the licensee by certified mail. Copies of the reprimand shall be furnished to the members of the board and board counsel.
- F.** The fact that a licensee has received a letter of reprimand shall be a matter of public record. The complainant shall be informed that the practitioner has been reprimanded.
- G.** Neither the action or inaction of the board on any complaint shall preclude the initiation of any private cause of action by the complainant.

[16.3.9.8 NMAC - Rp, 16.3.9.8 NMAC, 12/24/2021]

**HISTORY OF 16.3.9 NMAC:**

**PRE-NMAC HISTORY:** The material in this part was derived from that previously filed with the State Records Center and Archives Under: HED 84-4 (HSD), Regulations Governing The Athletic Trainers Act, filed 7/11/1984; AT-01-88, Regulations Governing The Athletic Trainers Act, filed 9-19-88; AT-01-89, Regulations Governing The Athletic Trainers Act, filed 7/11/1989; Rule 91-11, Refusal, Suspension Or Revocation Of License, filed 8/30/1991; Rule 9, Disciplinary Proceedings, filed 2/3/1994

**HISTORY OF REPEALED MATERIAL:**

16.3.9 NMAC – Disciplinary Proceedings filed 8/16/2001 was repealed and replaced by 16.3.9 NMAC – Disciplinary Proceedings, effective 12/24/2021.