

This rule was filed as 16 NMAC 4.16.

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 4 CHIROPRACTIC PRACTITIONERS
PART 16 PARENTAL RESPONSIBILITY ACT COMPLIANCE

16.4.16.1 ISSUING AGENCY: New Mexico Board of Chiropractic Examiners.
[11-16-97; Recompiled 12/31/01]

16.4.16.2 SCOPE: All Chiropractic Physicians.
[11-16-97; Recompiled 12/31/01]

16.4.16.3 STATUTORY AUTHORITY: Parental Responsibility Act Ch. 25, Laws of 1995 40-5A-1 to 40-5A-13 NMSA 1978.
[11-16-97; Recompiled 12/31/01]

16.4.16.4 DURATION: Permanent.
[11-16-97; Recompiled 12/31/01]

16.4.16.5 EFFECTIVE DATE: November 16, 1997 unless a later date is cited at the end of a Section or Paragraph.
[11-16-97; Recompiled 12/31/01]
[Compiler's note: The term "*or paragraph*," above, is no longer applicable. Later dates are now cited only at the end of sections, in the history notes appearing in brackets.]

16.4.16.6 OBJECTIVE: This Part establishes the requirements and possible penalties for non-compliance of the Parental Responsibility Act.
[11-16-97; Recompiled 12/31/01]

16.4.16.7 DEFINITIONS: All terms defined in the Parental Responsibility Act shall have the same meanings in this Part.
[1-13-96, 11-16-97; Recompiled 12/31/01]

16.4.16.8 PARENTAL RESPONSIBILITY ACT COMPLIANCE:

A. The Board adopts this rule pursuant to the Parental Responsibility Act (Ch. 25, Laws of 1995 40-5A-1 TO 40-5a-13 NMSA 1978). All terms defined in the Parental Responsibility Act shall have the same meanings in this rule.

B. If an applicant or licensee is not in compliance with a judgment or order for support, the Board:

- (1) shall deny an application for license;
- (2) shall deny the renewal of a license; and
- (3) has grounds for suspension or revocation of a license.

C. Upon determination that the name and Social Security Number of an applicant or licensee appears on a certified list of obligors not in compliance with a judgment or order for support provided by the Human Services Department, the Board shall:

(1) notify the licensee that the licensee's name is on the certified list and that the licensee must provide the Board with a subsequent certified statement from the Human Services Department or court order stating that the licensee is in compliance with such judgment or order for support; or

(2) commence a formal proceeding under subsection 8.3 to take the appropriate action under subsection A.

D. Prior to taking any action specified in subsection 8.1, the Board shall serve upon the applicant or licensee a written notice stating that the Board has grounds to take such action and that the Board shall take such action unless the applicant or licensee:

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

(2) provides the Board, within thirty (30) days of the date of the notice, a certified statement from the Human Services Department or court order stating that the applicant or licensee is in compliance with a judgment or order of support.

E. In any hearing under this rule relevant evidence shall include, but not be limited to, the following:

(1) A certified statement from the Human Services Department stating that the applicant or licensee is not in compliance with a judgment or order for support is prima facie evidence that requires the Board to take any action under subsection 8.1 of this rule, unless:

(2) The applicant or licensee can provide the Board with a subsequent certified statement from the Human Service Department or court order stating that the applicant or licensee is in compliance with such judgment or order for support. Such statement of compliance shall preclude the Board from taking any action specified in subsection A.

(3) Any other evidence which the applicant or licensee presents to evidence of compliance with a judgment or order of support.

F. When an action is taken under this rule solely because the applicant or licensee is not in compliance with a judgment or order of support, the Board's order shall state that the application or license shall be reinstated upon presentation of a subsequent certified statement of compliance from the Human Services Department or upon presentation of other proof of compliance.

G. Proceedings under this rule shall be governed by the Uniform Licensing Act, NMSA Section 61-1-1, *et. seq.* (Repl. Pamp. 1993).
[1-13-96, 11-16-97; Recompiled 12/31/01]

HISTORY OF 16.4.16 NMAC:

Pre-NMAC History:

The material in this Part was derived from that previously filed with the State Records Center & Archives under: Rule 21-95, Parental Responsibility Act Compliance, filed 12-14-95.