

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 14 NUTRITION AND DIETETIC PRACTITIONERS
PART 11 DISCIPLINARY PROCEEDINGS

16.14.11.1 ISSUING AGENCY: Nutrition and Dietetic Practice Board, P.O. Box 25101, Santa Fe, New Mexico.

[16.14.11.1 NMAC - Rp, 16 NMAC 14.11.1 NMAC, 08/01/2011]

16.14.11.2 SCOPE: All individuals licensed or applying for licensure to practice as a dietitian, nutritionist or nutrition associate in the state of New Mexico, as well as members of the public who wish to submit a complaint to the board.

[16.14.11.2 NMAC - Rp, 16 NMAC 14.11.2, 08/01/2011]

16.14.11.3 STATUTORY AUTHORITY: Section 61-7A-12 NMSA 1978 (Laws of 1996 and 1993 Repl. Pamp.).

[16.14.11.3 NMAC - Rp, 16 NMAC 14.11.3, 08/01/2011]

16.14.11.4 DURATION: Permanent.

[16.14.11.4 NMAC - Rp, 16 NMAC 14.11.4, 08/01/2011]

16.14.11.5 EFFECTIVE DATE: 08/01/2011 unless a later date is cited at the end of a section.

[16.14.11.5 NMAC - Rp, 16 NMAC 14.11.5, 08/01/2011]

16.14.11.6 OBJECTIVE: To establish procedures and guidelines for handling complaints consistent with the Uniform Licensing Act.

[16.14.11.6 NMAC - Rp, 16 NMAC 14.11.6, 08/01/2011]

16.14.11.7 DEFINITIONS: [RESERVED]

[16.14.11.7 NMAC - Rp, 16 NMAC 14.11.7, 08/01/2011]

16.14.11.8 COMPLAINT PROCEDURE:

A. Disciplinary proceedings may be instituted by the board upon the receipt of a sworn complaint of any person, including any member of the board.

B. After determining jurisdiction, the board shall cause an investigation to be made.

C. In accordance with the provisions of the Uniform Licensing Act, the board may refuse to issue, suspend, or revoke any license upon finding, after a hearing, that the licensee or applicant for licensure has violated the provisions set forth in the Nutrition and Dietetics Practice Act or board rules and regulations.

[16.14.11.8 NMAC - Rp, 16 NMAC 14.11.8, 08/01/2011]

16.14.11.9 DELEGATION OF AUTHORITY: The authority of the New Mexico nutrition and dietetic practice board to refer any licensee/registrant or applicant for licensure/registration whose name appears on the certified list issued by the New Mexico department of human services, as provided in the Parental Responsibility Act, NMSA 1978, Sections 40-5A-1 to 40-5A-13, for administrative prosecution is delegated to the administrator of the board. This section shall not be construed to deprive the board of its authority and power to issue a notice of contemplated action for any apparent violation of the Parental Responsibility Act and to refer any such case for administrative prosecution.

[16.14.11.9 NMAC - N, 08/01/2011]

16.14.11.10 SAVINGS CLAUSE: Neither the action or inaction of the board on any complaint shall preclude the initiation of any private cause of action by the complainant.

[16.14.11.10 NMAC - Rp, 16 NMAC 14.11.10, 08/01/2011]

HISTORY OF 16.14.11 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center:

Rule 8, Disciplinary Proceedings, filed 3/8/93.

History of Repealed Material:

16 NMAC 14.11, Disciplinary Proceedings, filed 08/19/1996 - Repealed effective 08/01/2011.