

This rule was filed as 20 NMAC 1.7.

**TITLE 20 ENVIRONMENTAL PROTECTION**  
**CHAPTER 1 ENVIRONMENTAL PROTECTION GENERAL**  
**PART 7 PARENTAL RESPONSIBILITY ACT COMPLIANCE**

20.1.7.1 ISSUING AGENCY[IES]: New Mexico Environment Department and Water Quality Control Commission, and any other agency that may adopt this Part by reference.  
[11/30/95; 20.1.7.1 NMAC - Rn, 20 NMAC 1.7.I.100, Recompiled 11/27/01]

20.1.7.2 SCOPE: This Part applies to disciplinary proceedings by an issuing agency pursuant to the Parental Responsibility Act against a license, certificate, registration or permit required to engage in a profession or occupation.  
[11/30/95; 20.1.7.2 NMAC - Rn, 20 NMAC 1.7.I.101, Recompiled 11/27/01]

20.1.7.3 STATUTORY AUTHORITY: This Part is adopted pursuant to the Parental Responsibility Act, NMSA 1978, Sections 40-5A-1 to 40-5A-13, the Department of Environment Act, Section 9-7A-6, and the following licensing laws:

- A. Utility Operators Certification Act, NMSA 1978, Sections 61-33-1 et seq.;
- B. Hazardous Waste Act, NMSA 1978, Section 74-4-4.4; and
- C. Solid Waste Act, NMSA 1978, Section 74-9-8(N).

[11/30/95; 20.1.7.3 - Rn, 20 NMAC 1.7.I.102, Recompiled 11/27/01]

20.1.7.4 DURATION: Permanent.  
[11/30/95; 20.1.7.4 NMAC - Rn, 20 NMAC 1.7.I.103, Recompiled 11/27/01]

20.1.7.5 EFFECTIVE DATE: November 30, 1995.  
[11/30/95; 20.1.7.5 - Rn, 20 NMAC 1.7.I.104, Recompiled 11/27/01]

20.1.7.6 OBJECTIVE: This Part is intended to implement the requirements of the Parental Responsibility Act as they apply to the issuance, renewal, suspension or revocation of any license, certificate, registration or permit required to engage in a profession or license by an issuing agency.  
[11/30/95; 20.1.7.6 NMAC - Rn, 20 NMAC 1.7.I.105, Recompiled 11/27/01]

20.1.7.7 DEFINITIONS:

A. All terms defined in the Parental Responsibility Act shall have the same meanings in this Part unless defined below.

B. As used in this Part:

(1) "Agency" means, as the context requires, either the New Mexico Environment Department, the Water Quality Control Commission or any other agency that adopts this Part by reference. The Water Quality Control Commission delegates to the Environment Department the administration and enforcement of this Part except for the conducting of hearings and the issuance of final orders;

(2) "HSD" means the New Mexico Human Services Department;

(3) "license" means a license, certificate, registration or permit issued by an Agency that a person is required to have to engage in a profession or occupation in New Mexico;

(4) "Statement of Compliance" means a certified statement from HSD stating that an applicant or licensee is in compliance with a judgment and order for support; and

(5) "Statement of Non-compliance" means a certified statement from HSD stating that an applicant or licensee is not in compliance with a judgment and order for support.

[11/30/95; 20.1.7.7 NMAC - Rn, 20 NMAC 1.7.I.106, Recompiled 11/27/01]

20.1.7.8 GENERAL PROVISIONS: DISCIPLINARY PROCEEDINGS:

A. Disciplinary Action: If an applicant or licensee is not in compliance with a judgment and order for support, the Agency:

- (1) Shall deny an application for a license;

- (2) Shall deny the renewal of a license; and
- (3) Has grounds for suspension or revocation of a license.

B. Certified List: Upon receipt of HSD's certified list of obligors not in compliance with a judgment and order for support, the Agency shall match the certified list against the current list of Agency applicants and licensees. Upon the later receipt of an application for licensure or renewal, the Agency shall match the applicant against the current certified list. By the end of the month in which the certified list is received, the Agency shall report to HSD the names of Agency applicants and licensees who are on the certified list and the action the Agency has taken in connection with such applicants and licensees.

C. Initial Action: Upon determination that an applicant or licensee appears on the certified list, the Agency shall:

(1) Commence a formal proceeding under Section 203 [Subsection D of 20.1.7.8 NMAC] to take the appropriate action under Section 200 [Subsection A of 20.1.7.8 NMAC]; or

(2) For current licensees only, informally notify the licensee that the licensee's name is on the certified list, and that the licensee must provide the Agency with a subsequent Statement of Compliance by the earlier of the application for license renewal or a specified date not to exceed six months. If the licensee fails to provide the Statement, the Agency shall commence a formal proceeding under Section 203 [Subsection D of 20.1.7.8 NMAC].

D. Notice of Contemplated Action: Prior to taking any action specified in Section 200 [Subsection A of 20.1.7.8 NMAC], the Agency shall serve upon the applicant or licensee a written notice stating that:

(1) The Agency has grounds to take such action, and that the Agency shall take such action unless the licensee or applicant:

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

(b) Provides the Agency, within thirty (30) days of the date of the notice, with a Statement of Compliance; and

(2) If the applicant or licensee disagrees with the determination of non-compliance, or wishes to come into compliance, the applicant or licensee should contact the HSD Child Support Enforcement Division.

E. Evidence and Proof: In any hearing under this Part, relevant evidence is limited to the following:

(1) A Statement of Non-compliance is conclusive evidence that requires the Agency to take the appropriate action under section 200 [Subsection A of 20.1.7.8 NMAC], unless:

(2) The applicant or licensee can provide the Agency with a subsequent Statement of Compliance which shall preclude the Agency from taking any action based solely on the prior Statement of Non-compliance.

F. Order: When an action is taken under this Part solely because the applicant or licensee is not in compliance with a judgment and order for support, the order shall state that the application or license shall be reinstated upon presentation of a subsequent Statement of Compliance. The Agency may also include any other conditions necessary to comply with Agency requirements for reapplications or reinstatement of lapsed licenses.

G. Procedures: Proceedings under this Part shall be governed by the Uniform Licensing Act, Section 61-1-1, et seq., and any adjudicatory procedures adopted by the Agency.

[11/30/95; 20.1.7.8 NMAC - Rn, 20 NMAC 1.7.II.200 through 206, Recompiled 11/27/01]

#### HISTORY OF 20.1.7 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.

EIB 73-3, Regulations Establishing Guidelines For Administering The Water Supply Construction Act, 7/31/1973.

History of Repealed Material: [RESERVED]