

## PROPOSED REPEAL AND REPLACE - STRIKETHROUGH

~~Strikethrough~~ represents language the Department is proposing to delete.

Underline represents language the Department is proposing to add.

### TITLE 6 PRIMARY AND SECONDARY EDUCATION CHAPTER 101 VOCATIONAL REHABILITATION - PROCEDURAL SAFEGUARDS PART 2 FAIR HEARINGS AND ALTERNATIVE DISPUTE RESOLUTIONS RELATED TO VOCATIONAL REHABILITATION

**6.101.2.1 ISSUING AGENCY:** Public Education Department.

[6.101.2.1 NMAC - Rp, 6.101.2.1 NMAC, ~~[9/29/2020]~~ 10/2024]

**6.101.2.2 SCOPE:** The provisions of this regulation ~~[apply]~~ pertain to ~~[persons applying]~~ applicants for or ~~[receiving]~~ recipients of vocational rehabilitation ~~[and]~~ services who may be aggrieved by any action or inaction of ~~[DVR]~~ the New Mexico division of vocational rehabilitation (hereinafter, NMDVR) or of the director of [DVR] the NMDVR that affects the provision of vocational rehabilitation services.

[6.101.2.2 NMAC - Rp, 6.101.2.2 NMAC, ~~[9/29/2020]~~ 10/2024]

**6.101.2.3 STATUTORY AUTHORITY:** This regulation is adopted pursuant to the Rehabilitation Act of 1973, as amended, 34 CFR Part 361, Sections 9-24-8, 22-2-1, 22-2-2, 22-13-13, 22-14-8, and 22-14-12 NMSA 1978, and New Mexico Rules of Civil Procedure, District Court Rule 1-074.

[6.101.2.3 NMAC - Rp, 6.101.2.3 NMAC, ~~[9/29/2020]~~ 10/2024]

**6.101.2.4 DURATION:** Permanent.

[6.101.2.4 NMAC - Rp, 6.101.2.4 NMAC, ~~[9/29/2020]~~ 10/2024]

**6.101.2.5 EFFECTIVE DATE:** September ~~29, 2020~~ 10, 2024, unless a later date is cited at the end of a section.

[6.101.2.5 NMAC - Rp, 6.101.2.5 NMAC, ~~[9/29/2020]~~ 10/2024]

**6.101.2.6 OBJECTIVE:** To ~~[establish a means by which]~~ provide general policy for an [individual who has applied] applicant for or ~~[is a]~~ recipient of vocational rehabilitation services [can appeal or request mediation of] a) who is dissatisfied with any determination ~~[of a counselor concerning]~~ made by personnel of the [furnishing or denial of services; or any action or inaction of] NMDVR that affects the [division] provision of vocational rehabilitation [or the director of vocational rehabilitation. A request for] services to request a timely review of that determination through mediation or a fair hearing [or mediation is to be construed liberally to allow a client to seek redress for DVR decisions that affect their case].

[6.101.2.6 NMAC - Rp, 6.101.2.6 NMAC, ~~[9/29/2020]~~ 10/2024]

**6.101.2.7 DEFINITIONS:**

**A. "Applicant"** means an individual applying for NMDVR services, and includes any representative of the applicant, such as a guardian, legal counsel, or other advocate.

**B. "Burden of proof"** means the responsibility of the party asserting a claim to prove that the claim is valid through the introduction of credible evidence.

**C. "Client assistance program" or "CAP"** means ~~[the independent private or public]~~ a nonprofit agency [designated to: (1) advise and inform] separate from the NMDVR that receives federal funds to provide information about and referral to services for individuals with a disability. The CAP also provides case advocacy for applicants [for] and recipients to facilitate access to services funded under the Rehabilitation Act of 1973, as amended.

**D. "Collateral estoppel"** means a legal doctrine that prevents a party from relitigating an issue that was resolved in a previous lawsuit or administrative proceeding, even if the issue relates to a different claim.

**E. "Determination"** means any decision made by personnel of the NMDVR that affects the provision of vocational rehabilitation services [of services and benefits available under the federal Rehabilitation Act of 1973:] to an applicant or recipient.

**F. "Fair hearing"** means a voluntary impartial due process hearing in which an impartial hearing officer conducts a hearing to review a disputed determination, hears testimony and reviews evidence from the parties, and issues a written decision setting forth the findings and grounds for the decision.

**G. "Fraud"** means a scheme that involves submitting false or misleading information to the NMDVR in order to obtain a service.

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**H.** "Good cause" means a substantial reason or legal justification for failing to appear, to request a continuance of any due process proceedings, to act, or to respond to an action. Good cause events are unforeseen and beyond the control of the party and include, but are not limited to, the following:

(1) A personal emergency medical situation; or  
(2) assist and advocate for applicants for and recipients of vocational. Sickness or death of a close family member.

**I.** "Individualized plan for employment" or "IPE" means a written agreement to help a recipient with a disability who qualifies for services to find, get, and keep a job. It is designed to achieve an employment outcome consistent with the individual's unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

**J.** "New Mexico state rehabilitation [services in their relationships with projects, programs, and community] council" means the entity that reviews, analyzes, and advises the NMDVR regarding all rehabilitation programs [providing services] and policies administered by the NMDVR under the Rehabilitation Act Amendments of [1973; and] 1998.

[ (3) inform individuals with disabilities in New Mexico, especially individuals with disabilities who traditionally have been unserved or underserved by vocational rehabilitation programs, of the services and benefits available to them under the federal Rehabilitation Act of 1973 and Title I of the federal Americans with Disabilities Act of 1990  
**"Division of vocational rehabilitation" or "DVR"** means the division of vocational rehabilitation.

**C.** "Fair hearing" means an agency proceeding in which a person's rights and duties are decided after notice and an opportunity to be heard.

**D.] K.** "Mediation" means [the act of] a voluntary process [of using] by which the parties meet with an independent [third party to act as a] and impartial qualified mediator[, intermediary, or conciliator] to assist [persons or parties]them in settling differences or disputes prior to pursuing formal administrative or other legal remedies.

**L.** "Mediation agreement" means a written legal contract developed during mediation. Once a mediation agreement has been signed by both parties, it is binding.

**M.** "Misrepresentation" means an intentionally or negligently false representation made verbally, by conduct, or by nondisclosure or concealment, by an applicant or recipient for the purpose of deceiving, defrauding, or causing the NMDVR to rely on the representation in order to obtain a service.

**N.** "Preponderance of evidence" means the standard by which the party with the burden of proof shall show evidence to prove that the claim is more likely than not to be true.

**O.** "Recipient" means the individual receiving NMDVR services, and includes any representative of the recipient, such as a guardian, legal counsel, or other advocate.

**P.** "Relevant evidence" means evidence that is relevant if reasonable inferences can be drawn that shed light on a contested matter.

**Q.** "Res judicata" means a legal doctrine that another party cannot relitigate a matter for the same cause of action if a final judgment based on merits has been made previously in a lawsuit or administrative proceeding.

**R.** "Vocational rehabilitation services" means those services identified in 29 USC Section 723, which are provided to individuals with disabilities.

[6.101.2.7 NMAC - Rp, 6.101.2.7 NMAC, [9/29/2020] 10/2024]

### 6.101.2.8 REVIEW OF DETERMINATION

**A.** ~~CLIENT ASSISTANCE PROGRAM:~~ DVR shall inform applicants for and recipients] Any applicant or recipient of vocational rehabilitation services [or their representatives,] who is dissatisfied with any determination made by personnel of the [availability and purpose of a designated client assistance program including:]NMDVR that affects the provision of vocational rehabilitation services may request a timely review of that determination through mediation, a fair hearing, or both. An applicant or recipient may not request a fair hearing for a determination after mediation that results in a signed mediation agreement or after a hearing officer has rendered a final decision about that determination in a fair hearing.

**B.** Nothing in this rule shall be construed to create an entitlement to any vocational rehabilitation service.

[information on how to contact the client assistance program and obtain their assistance; and

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~~B. the client assistance program's obligation to provide assistance in informing and advising all applicants for and recipients of vocational rehabilitation services of all benefits and services available under vocational rehabilitation programs.]~~

~~[6.101.2.8 NMAC - Rp, 6.101.2.8 NMAC, [9/29/2020] 10/2024]~~

### 6.101.2.9 ~~[FAIR HEARING:]~~ MEDIATION:

A. ~~[Requesting a fair hearing.]~~ **Request.** A request for ~~[hearing]~~ mediation shall be made in writing online, via email, or by mailed letter to the [DVR] director [-A hearing request should indicate] of the [contested decision and] NMDVR. Incomplete requests that do not contain all of the following required information shall not be considered:

- (1) the name of the NMDVR counselor assigned to the case;
- (2) the determination being contested; and
- (3) the date of the contested determination.

B. **Time limitation for request.** The request must be received by the director of the NMDVR within 45 calendar days of the date of the contested determination. Failure to submit the request within 45 calendar days may result in a denial of the request, as determined by the NMDVR, in its sole discretion.

C. **Appointment of mediator.** A qualified and impartial mediator shall be appointed on a random basis from a qualified pool of mediators established jointly by the New Mexico state rehabilitation council and the NMDVR or by agreement between the applicant or recipient and the director of the NMDVR. The mediator shall not be a current employee of the NMDVR.

D. **Duties of mediator.** A mediator facilitates discussions between the parties to help the parties come to a mutually agreed upon resolution of disputed issues by:

- (1) scheduling the mediation;
- (2) explaining how the mediation process works and the confidentiality of the process;
- (3) communicating with both parties to gather information about the contested issues and helping the parties work through the contestation;
- (4) assisting the parties in understanding the applicable laws, precedents, and other established guidelines;
- (5) helping the parties to find common ground and resolutions that both parties can accept; and
- (6) helping the parties complete the mediation paperwork at the conclusion of the mediation.

E. ~~[-A hearing request shall be made within 45 days of the disputed]~~ **Mediation process.** Mediations shall be scheduled and completed in a timely manner, but not later than 30 calendar days after receipt of the request if there is also a request for fair hearing pending. If no fair hearing request is pending, the mediation shall be completed no later than 45 days of the request.

(1) The mediation shall be held in a location and manner that is convenient to the parties.  
(2) Mediation is voluntary on the part of both parties, and either party or the mediator may terminate the mediation at any point in the process for any reason. If the mediation is terminated for any reason, the applicant or recipient may request resolution through a fair hearing.

(3) During the mediation process, the applicant or recipient may represent themselves or may be represented by a guardian, legal counsel, or another advocate of their choice.  
(a) All expenses of such representation, including legal fees and travel costs, shall be the responsibility of the applicant or recipient.

(b) The applicant or recipient shall notify the NMDVR in writing of the name and contact information of the designated representative. Authorization for representation may be withdrawn at any time by giving written notice of the withdrawal to the NMDVR.

(4) Both parties shall have the opportunity to submit relevant evidence in the form of documentation or other information in support of their position.

(5) Discussions that occur during mediation shall be kept confidential and shall not be used as evidence in any subsequent fair hearing or civil proceeding. The parties will be required to sign a confidentiality agreement prior to the commencement of the process.

(6) If the parties reach agreement during the mediation, the terms of the agreement shall be described in a written mediation agreement developed by the parties with the assistance of the mediator.

(a) The mediation agreement shall be signed by both parties.

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~~(b) A copy of the mediation agreement shall be mailed or emailed to both parties by the mediator.~~

~~(c) A signed mediation agreement is a binding and final resolution of the contested decision.~~

~~**F. Cost of mediation.** The NMDVR shall pay the costs of the mediation up to eight hours. However, the NMDVR shall not be required to pay any costs related to the representation of the applicant or recipient.~~

~~**[Appointment of a hearing officer.** A hearing officer shall be appointed on a random basis or by agreement between the client and the DVR director. The selection of a hearing officer shall be made from a pool of qualified hearing officers established jointly by the state rehabilitation advisory council and the DVR director. The hearing officer shall not be an employee of DVR. **Time of hearing.** The hearing shall be held within 60 days from the date of the request for hearing. The time limit may be extended by the hearing officer upon the request of either party, for good cause shown. The time limit may also be extended upon agreement of both parties. **Opportunity to present evidence.** At the hearing, the client or client's representative shall be allowed to present evidence, information, and witnesses to the hearing officer, and to examine all witnesses and other sources of evidence and information. **Duties of hearing officer.** The hearing officer shall:~~

- ~~(1) conduct a pre-hearing conference on a date reached by mutual agreement between the parties;~~
- ~~(2) administer oaths and affirmations to the witnesses;~~
- ~~(3) regulate the course and conduct of the hearing;~~
- ~~(4) assure that all properly raised and relevant issues are considered;~~
- ~~(5) rule on the introduction of testimony and other evidence (the technical rules of evidence do not apply);~~
- ~~(6) assure that the proceedings are properly recorded;~~
- ~~(7) review the evidence and testimony; and~~
- ~~(8) make a decision based upon the facts presented at the hearing, the provisions of the approved state plan, the federal Rehabilitation Act of 1973 and accompanying federal regulations, and consistent state regulations and policies, the manual of operating procedures, and good rehabilitation practice.~~

~~**F. Decision of hearing officer.** The hearing officer shall issue a written decision within 30 days of the completion of the hearing. The decision shall fully set forth the findings of the hearing officer and the grounds for the decision. A decision by a hearing officer shall be final unless a party brings civil action under Subsection I of 6.101.2.9 NMAC.~~

~~**G. Review by director.** The director of DVR may not overturn a hearing officer's decision]~~

~~**G. Impact on provision of services pending appeal.** Pending [a final determination of a civil action, DVR] resolution through mediation, the NMDVR shall not suspend, ~~modify~~ reduce, or terminate services being provided under an [individualized written rehabilitation program] IPE, unless such services have been obtained through misrepresentation, fraud, collusion, or criminal conduct on the part of the [individual with a disability] applicant or recipient, as determined by the NMDVR, or the applicant or recipient requests a suspension, reduction or termination of services.~~

~~**I. Civil action.** Any party aggrieved by a final decision described in section Subsection F of 6.101.2.9 NMAC may bring a civil action for review of such decision. The action may be brought in any state court of competent jurisdiction or in a district court of the United States of competent jurisdiction without regard to the amount in controversy. In any action brought under this subparagraph, the court shall:~~

- ~~(1) receive the records relating to the hearing and the records relating to the state review, if applicable;~~
- ~~(2) hear additional evidence at the request of the party to the action; and~~
- ~~(3) base the decision of the court on the preponderance of the evidence and shall grant such relief as the court determines to be appropriate.]~~

[6.101.2.9 NMAC - Rp, 6.101.2.9 NMAC, [9/29/2020] 10/2024]

**[6.101.2.ALTERNATIVE DISPUTE RESOLUTIONS:]6.101.2.10 FAIR HEARING:**

**A. Requesting mediationRequest for a fair hearing.** A request for a [mediation proceeding] fair hearing shall be made in writing online, via email, or by mailed letter to the director of [DVR. The request shall indicate the contested decision and] the NMDVR. Incomplete requests that do not contain all of the required information will not be considered. Requests shall include the following information:

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(1) the NMDVR counselor assigned to the case;~~[- The request shall be made within 45 days of the disputed decision.]~~

(2) the determination being contested; and

(3) the date of the contested determination.

**B. Time limitation for request.** The request for a fair hearing must be received by the director of the NMDVR within 45 calendar days of the contested determination. Failure to submit the request within 45 calendar days may result in a denial of the requests, as determined by the NMDVR, in its sole discretion.

**C. Appointing~~Appointment of a [mediator.]~~hearing officer.** A qualified and impartial ~~[mediator]~~ hearing officer shall be appointed on a random basis ~~[or by agreement between the client and the DVR director. The selection of a mediator shall be made]~~ from a ~~[pool of]~~ qualified [mediators]pool of hearing officers established jointly by the New Mexico state rehabilitation advisory council and the DVR~~NMDVR~~, or by agreement of the applicant or recipient and the director of the NMDVR. The ~~[mediator]~~ hearing officer shall not be ~~[an]~~ a current employee of ~~[DVR]~~ the NMDVR.

**D. [Time]Timing of [mediation]hearing.** The ~~[mediation]~~fair hearing shall be held within 60 calendar days ~~[from]~~of the [date]NMDVR's receipt of the applicant's or recipient's request for [mediation.]review of the contested determination, unless informal resolution of a mediation agreement is achieved prior to the sixtieth calendar day or both parties agree to an extension of time. The time limit may be extended by the mediatorhearing officer upon the request of either party for good cause shown.~~[- The time limit may also be extended]~~

**E. Pre-hearing conference.** At least 10 calendar days prior to the date of the fair hearing, the hearing officer shall conduct at least one pre-hearing conference on a date and time agreed upon agreement of both parties~~by both parties~~. The time limit may be extended by the hearing officer upon the request of either party for good cause shown.

**[Mediation]** (1) All parties shall attend and participate in a pre-hearing conference.

(2) Failure to attend and participate in a pre-hearing conference may result in dismissal of the action.

(3) At the pre-hearing conference, the hearing officer may take action and make rulings on issues including, but not limited to:

(a) identifying any accommodations needed by the parties, representatives, and witnesses in the hearing, which may include the necessity for hearing or interpreter assistance or the need for a party or witness to appear by phone or video rather than in person;

(b) identifying, simplifying, and clarifying issues and dates directly related to the contested NMDVR determination identified in the fair hearing request;

(c) eliminating irrelevant or non-hearable issues as determined by the hearing officer;

(d) identifying potential witnesses and exhibits from each party and establishing deadlines and procedures for the parties to share witness and exhibit lists and exhibits;

(e) establishing procedural matters pertaining to the conduct of the fair hearing; and

(f) establishing deadlines for pre-hearing motions and responses.

**F. [- Mediations]Fair hearing process.** Fair hearings shall be scheduled and conducted ~~in a timely manner, and~~ within 60 calendar days of the request for hearing, unless the parties mutually agree to an extension in writing, or the hearing officer extends the time for good cause shown. Fair hearings shall be held in a location and manner that is convenient to the parties~~[- to the dispute.]~~

(1) Fair hearings are not open to the public.

(2) ~~[During mediation processes, applicants for and recipients of vocational rehabilitation services may be represented by counsel or another advocate of their selection;~~

(2) The applicant for or recipient of vocational rehabilitation services, or their representative, shall have opportunity during the mediation to submit evidence or other information in support of their position;

(3) Either party may terminate mediation at any point in the mediation process. If mediation is terminated, either party may pursue resolution through an impartial hearing, pursuant to 6.101.2.9 NMAC;

(4) Discussions that occur during a mediation the fair hearing process shall be kept confidential and may not be used as evidence in any subsequent fair hearing or civil proceeding. Parties to a mediation process may be required to sign a confidentiality pledge prior to the commencement of the process;

(5) An agreement reached by the parties to the dispute in mediation shall be described in a written mediation agreement that is developed by the parties with the assistance of the mediator, and signed by both parties. Copies of the agreement shall be mailed to both parties; and

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~~(6) DVR shall pay the costs of mediation, except that DVR shall not be required to pay for the costs related to the representation of an,~~

(2) During the fair hearing process the applicant~~for~~ or recipient [of vocational rehabilitation services] may represent themselves or may be represented by a guardian, legal counsel, or another advocate of their choice.

(a) All expenses of such representation, including legal fees and travel costs, shall be the responsibility of the applicant or recipient.

(b) The applicant or recipient shall notify the NMDVR in writing of the name and contact information of the designated representative. Authorization for representation may be withdrawn at any time by giving written notice of the withdrawal to the NMDVR.

(3) Each party has certain procedural due process rights during the hearing, and may:

(a) make opening and closing statements;

(b) call and examine witnesses and introduce exhibits;

(c) cross-examine witnesses;

(d) re-direct their witnesses following cross-examination;

(e) impeach any witness; and

(f) rebut any relevant witness.

(4) Oral evidence shall be taken only under oath or affirmation.

(5) The order of presentation for hearings is as follows:

(a) opening of proceedings and disposition of preliminary and pending matters of the hearing officer;

(b) if the hearing officer requires, the applicant or recipient shall submit oral opening statements; otherwise, parties may submit oral opening statements voluntarily;

(c) if the hearing officer requires, the NMDVR shall submit oral opening statements; otherwise, parties may submit oral opening statements voluntarily;

(d) applicant's or recipient's case-in-chief;

(e) the NMDVR's case-in-chief;

(f) applicant's or recipient's rebuttal;

(g) the NMDVR's rebuttal;

(h) if the hearing officer requires, the applicant or recipient shall submit oral or written closing statements; otherwise, parties may submit oral or written closing statements voluntarily;

(i) if the hearing officer requires, the NMDVR shall submit oral or written closing statements; otherwise, parties may submit oral or written closing statements voluntarily; and

(j) closing of the proceedings by the hearing officer.

### **G. Duties of hearing officer.** The hearing officer shall:

(1) conduct a pre-hearing conference no later than 10 calendar days prior to the scheduled fair hearing date, unless extended by agreement of both parties, or for good cause shown.

(2) administer an oath or affirmation to all witnesses before testimony is given.

(3) ~~Duties of mediator.~~ The mediator shall:

(1) schedule the mediation session(s);

(2) regulate the course and conduct of the ~~mediation; and~~ hearing.

(3) (4) maintain decorum during the hearing.

(5) assure that all properly raised and relevant issues are considered.

(6) make rulings on the introduction of testimony and other evidence. The formal Rules of Evidence and Rules of Civil Procedure do not apply but may lend guidance to the hearing officer when making rulings.

(7) request post-hearing statements or documentation from both parties if needed.

(8) ensure that all pre-hearing and hearing proceedings are properly recorded.

(9) create the record on [~~Provision of services pending~~] appeal[, ~~Pending~~] of the case which shall include, but not be limited to:

(a) the recordings of the pre-hearing and hearing proceedings;

(b) all exhibits admitted into the record;

(c) all pleadings made by the parties;

(d) all correspondence related to the pre-hearing(s) and hearing(s) by the parties and the hearing officer, and

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(e) the final written decision.  
(10) review the evidence and testimony and issue a decision and order based on the facts presented as the hearing, and the provisions of the approved vocational rehabilitation services portion of the Unified of Combined State Plan, the Rehabilitation Act of 1973, as amended, accompanying federal and state regulations, and NMDVR policies that are consistent with the federal requirements.

(11) prepare a written report that states the findings and grounds for the decision and order. The written report shall be mailed and emailed to both parties within 30 calendar days of the completion of the fair hearing.

**H. Burden of proof.** The burden of proof at the fair hearing is on the applicant or recipient to prove by a preponderance of evidence that the contested NMDVR determination is in violation of the Unified or Combined State Plan, the Rehabilitation Act of 1973, as amended, accompanying federal and state regulations, or NMDVR policies that are consistent with the federal requirements.

**I. Dismissal prior to fair hearing.** The hearing officer shall consider a motion for dismissal without a fair hearing. If the hearing officer finds that a motion for dismissal should be granted, they may enter a final order of dismissal which may be appealed in accordance with Section 11 of this rule. The reasons to consider a motion for dismissal are:

- (1) lack of jurisdiction;
- (2) unripe or moot questions;
- (3) failure to pursue the cause by the applicant or recipient;
- (4) failure to raise a justiciable issue in the request for hearing;
- (5) unnecessary duplication of proceedings, res judicata, or collateral estoppel;
- (6) withdrawal of the request for hearing by the applicant or recipient;
- (7) failure to appear or participate at the pre-hearing conference or the fair hearing by the applicant or recipient; or

(8) the matter was successfully resolved through informal resolution ~~through~~ or a mediation, ~~DVR~~ agreement prior to the hearing.

**J. Cost of a fair hearing.** The NMDVR shall pay the costs of the fair hearing, including the pre-hearing conference. However, the NMDVR shall not be required to pay for any costs related to the representation or travel of the applicant or recipient, or the applicant's or recipient's representative.

**K. Impact on provision of service.** Pending the decision and order of the hearing officer, the NMDVR shall not suspend, ~~modify~~ reduce, or terminate services being provided under an ~~individualized written rehabilitation program~~ IPE, unless such services have been obtained through misrepresentation, fraud, collusion, or criminal conduct on the part of the ~~individual with a disability~~ applicant or recipient or the applicant, as determined by the NMDVR, or recipient requests a suspension, reduction, or termination of services.

**L. Implementation of final decision.** The decision and order of the hearing officer is binding and shall be implemented pending review of any civil action filed with a court of competent jurisdiction. Either party has the right to contest the decision of the hearing officer by bringing a civil action in any state court of competent jurisdiction or in a district court of the United States with competent jurisdiction without regard to the amount in controversy. The civil action shall be brought within 30 calendar days of the hearing officer's final decision and in accordance with New Mexico Rules of Civil Procedure, District Court Rule 1-074.

**M. Cost of civil action litigation.** Each party shall bear its own costs for the civil action including, but not limited to, filing costs and attorney fees. The NMDVR shall not be required to pay for any costs related to the representation or travel of the applicant or recipient or the applicant's or recipient's or recipient's representative. [6.101.2.10 NMAC - Rp, 6.101.2.10 NMAC, ~~9/29/2020~~ 10/2024]

**HISTORY OF 6.101.2 NMAC:**

6.101.2 NMAC, Fair Hearings Related to Vocational Rehabilitation, filed 12/31/1998, was repealed and replaced by 6.101.2 NMAC, Fair Hearings and Alternative Dispute Resolutions Related to Vocational Rehabilitation, effective 9/29/2020.

6.101.2 NMAC, Fair Hearings and Alternative Dispute Resolutions Related to Vocational Rehabilitation, effective 9/10/2024.