

BEFORE THE BOARD OF SPEECH-LANGUAGE
PATHOLOGY, AUDIOLOGY AND HEARING AID DISPENSERS PRACTICE

IN THE MATTER OF:

Case No. SLP-18-01-COM

Christle Bearheels-Ricketts,
Lic. No. SLP8496,

Respondent.

FINAL DECISION AND DEFAULT ORDER

THIS MATTER came before a quorum of the New Mexico Board of Speech-Language Pathology, Audiology and Hearing Aid Dispensers Practice (the “Board”) at an open public meeting held on July 17, 2020, based on a complaint filed with the Board alleging that Christle Bearheels-Ricketts (hereinafter “Respondent”) violated the Speech-Language Pathology, Audiology and Hearing Aid Dispensers Practices Act, NMSA 1978, Section 61-14B-1 to -25 (1993, as amended through 2015) (“Act”). Respondent did not request a hearing and the matter was presented to the Board as a default action. Upon review of the matter, the Board voted to revoke Respondent’s license. Pursuant to the Act, and the Uniform Licensing Act, NMSA 1978, Sections 61-1-1 through -34 (1957, as amended through 2017) (“ULA”), the Board issues the following:

FINDINGS OF FACT

1. Respondent, at all relevant times, held a Speech-Language Pathologist license issued pursuant to the Act and is therefore subject to the jurisdiction and discipline of the Board.
2. The Board voted to issue a Notice of Contemplated Action (NCA) against Respondent, stating that the Board had sufficient evidence to justify revoking or taking other disciplinary action against Respondent’s license based on alleged violations of the Act. *See* Exhibit A.
3. The NCA alleged that Respondent failed to comply with her contract by failing to respond to numerous requests made to Respondent to obtain records of treatment for students receiving IEP services, failing to provide screening evaluations, failing to prepare certain reports and provide trainings and assistance in accordance with Respondent’s contract. *See* Exhibit A.

4. The NCA stated that, unless explained or rebutted at a formal hearing, the alleged conduct justified the Board in taking disciplinary action, including suspending or revoking Respondent's license.
5. The Board mailed the NCA to Respondent, via certified mail, return receipt requested, to the address on file with the Board. *See* Exhibit A.
6. Pursuant to the ULA, service of the NCA was directed to Respondent at the last known address as shown by the records of the Board. *See* NMSA 1978, § 61-1-5 (providing that notice "shall be deemed to have been served on the date borne by the return receipt showing delivery or the last attempted delivery of the notice").
7. The ULA provides if an individual subject to an NCA "does not mail a request for a hearing within the time and in the manner required by this section, the board may take the action contemplated in the notice and such action shall be final and not subject to judicial review." NMSA 1978, § 61-1-4(E).
8. Respondent failed to request a hearing in response to the NCA.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over Respondent and the subject matter of this proceeding pursuant to the Act and the ULA.
2. In accordance with Sections 61-1-4 and -5 of the ULA, Respondent was deemed to be served with the NCA on the date of delivery or last attempted delivery of the notice.
3. The Board has complied with all notice and other procedural requirements of the Act and the ULA.
4. Because Respondent failed to request a hearing, the Board may proceed to take the action contemplated in the NCA and such action shall be final and not subject to judicial review, as provided by Section 61-1-4 of the ULA.
9. The Board finds by a preponderance of the evidence that Respondent violated Sections 61-14B-21(A)(4) and (A)(10), Rule 16.26.7.8.(A)(1), Rule 16.26.9.8(A)(1) NMAC, Rules 16.26.9.8(B)(1) and (5) NMAC, Rule 16.26.9.8(F)(1) NMAC, and Rule 16.26.9.8(N)(3) NMAC by failing to comply with her contract by failing to respond to numerous requests made to Respondent to obtain

records of treatment for students receiving IEP services, failing to provide screening evaluations, failing to prepare certain reports and provide trainings and assistance in accordance with Respondent's contract.

5. Having reviewed the matter, the Board finds there is sufficient evidence to justify taking disciplinary action against Respondent as contemplated in the NCA.

ORDER

Based on these Findings of Fact and Conclusions of Law, a quorum of the Board voted to revoke Respondent's license.

IT IS THEREFORE ORDERED that Respondent's Speech-Language Pathologist license is revoked. This Order constitutes formal disciplinary action by the Board and may be reported to the applicable professional licensing national database, if any.

IT IS ULTIMATELY ORDERED that failure to comply with the terms of this Order may result in further Board action. Board staff is authorized to seek enforcement of this Order in District Court pursuant to Section 61-1-10 of the ULA. Additionally, if Respondent's non-compliance consists of an act that is prohibited under the Board's statute or rules, the Board may also initiate a new disciplinary action and refer that matter for administrative prosecution.

IT IS SO ORDERED.

/s/ Dr. Richard Cram
Dr. Richard Cram, Chair
Board of Speech-Language Pathology,
Audiology and Hearing Aid Dispensers Practice

September 9, 2020
Date

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was mailed by certified mail on the date below to:

Christle Bearheels-Ricketts
5908 Canyon Pointe CT NE
Albuquerque NM, 87111
Certified Mail No. 7019 1640 0000 7892 2828

/s/ Ben Arimoto
Ben Arimoto

September 11, 2020
Date