

**BEFORE THE BOARD OF PSYCHOLOGIST EXAMINERS
OF THE STATE OF NEW MEXICO**

IN THE MATTER OF:

Respondent.

)
)
)
)

Case No.2010-07

STIPULATED AGREEMENT

WHEREAS, the State of New Mexico Board of Psychologist Examiners ("Board"), received a Complaint against Respondent Joanne Burness , alleging a violation of its Code of Conduct, and

WHEREAS, Respondent and the Board are willing to resolve this matter amicably and without the issuance of a Notice of Contemplated Action ("NCA") as required under the Uniform Licensing Act ("ULA"), and without a hearing; and

WHEREAS, the Board believes that this Stipulated Agreement is appropriate and in the best interests of both the Board and Respondent.

IT IS HEREBY AGREED AS FOLLOWS:

1. **Jurisdiction.** The Board has jurisdiction over the Respondent and the subject matter. Respondent at all time material to the allegations set forth in the Complaint filed with the Board was licensed as a psychologist in the State of New Mexico.
2. **Violations:** 16.22.2.10 J Patient Welfare; Avoiding Harm
3. **Findings.** The Board makes no determination as to the violation alleged by the Complaint. The parties agree that it is in the best interest of all concerned that this matter be resolved by way of this Stipulated Agreement.
4. **Action.**

A. Respondent will obtain an independent evaluation of alcohol abuse and it will need to determine if the respondent is fit to practice. Respondent may choose from three of the following psychologists for the psychological evaluation:

Bill Foote

Michael Rodriguez

Christine Johnson

Respondent will obtain a physical evaluation from a physician recommended by the Board, for the physical evaluation. Respondent will confirm that she has scheduled appointments for the physical and psychological evaluations, or that she has made good faith attempts to do so, with the Board on or before the September 24, 2010 Board meeting.

B. Respondent must follow the treatment plan recommend by that psychologist and physician.

C. The board may take additional action if it is deemed that the respondent is unfit to practice.

5. Waiver.

A. Respondent enters into this Stipulated Agreement voluntarily and waives her right to a full hearing before the Board and all relevant time limitations pursuant to the provisions of the ULA including but not limited to NMSA 1978 §61-1-4(F) and NMSA 1978, §61-1-8.

B. By signing this Stipulated Agreement, the Respondent understands and agrees that she waives excusal of any Board member on the grounds of bias or improper motive as a result of his or her review of this Stipulated Agreement.

C. Respondent's waiver of any rights contained herein is made knowingly, intentionally, and voluntarily.

6. Failure to comply with the terms and conditions of this Stipulated Agreement shall be separate and independent grounds for disciplinary action by the Board. In the event the Respondent fails to comply with the provisions hereof, the Board shall have the right to take such action against Respondent, as it deems appropriate under the circumstances, including revoking Respondent's license.

8. This Stipulated Agreement is a settlement of Board Case Number 2010-07, and only the specific allegations contained therein. No costs have been incurred in this matter. The Board reserves the right to initiate proceedings for any other violation of the Professional Psychologist Act or the Rules and Regulations of the Board adopted pursuant to that Act.

9. The Board agrees that nothing in this Settlement Agreement represents a restriction on Respondent's license such that a report to the Healthcare Integrity and Protection Data Bank would be necessary and the Board further agrees that it will not issue such a report based on the complaint filed in this matter.

J.A. Burrows

Date: Sept 8th, 2010

For the Board of Psychologist Examiners:

Robert Sherrill
Dr. Robert Sherrill, Chairman

Date: 29 Sept, 2010