

**BEFORE THE NEW MEXICO COUNSELING & THERAPY BOARD
FOR THE STATE OF NEW MEXICO**

IN THE MATTER OF:

Case No. CT-18-22-COM

**MICHELE BULLING,
License No. CCMH0192551,**

Respondent.

SETTLEMENT AGREEMENT

WHEREAS Michele Bulling (“Respondent”) is licensed in New Mexico under the New Mexico Counseling and Therapy Act (“the Act”), and is subject to the jurisdiction of the New Mexico Counseling and Therapy Practice Board (“Board”); and

WHEREAS the Board received a complaint alleging that Respondent violated the Act; and

WHEREAS the Board found sufficient evidence to refer the matter to its administrative prosecutor and request that a Notice of Contemplated Action (“NCA”) be issued against Respondent; and

WHEREAS a NCA was issued pursuant to the Uniform Licensing Act, NMSA 1978, Sections 61-1-1 through -34 (“ULA”), which stated that the Board had sufficient evidence which, if not rebutted or satisfactorily explained, would justify the Board in taking disciplinary action against Respondent up to and including license revocation; and

WHEREAS Respondent is willing to resolve this matter without the need for, and time and expense of, a formal hearing conducted; and

WHEREAS the Board’s administrative prosecutor believes that this proposed Settlement Agreement (the “Agreement”) is appropriate and in the best interest of the Board:

THEREFORE, IT IS AGREED AS FOLLOWS:

1. **Jurisdiction:** Respondent is licensed under the Counseling and Therapy Practice Act, NMSA 1978, Section 61-9A-1 *et seq.* (“Act”) and is subject to the jurisdiction of the Board. The Board has jurisdiction over Respondent and the subject matter.
2. **Voluntary Agreement:** Respondent enters into this Agreement on behalf of Respondent knowingly and voluntarily, without duress or coercion, and after a full opportunity to consult an attorney. Respondent understands that if Respondent rejects this agreement, the Board will conduct a formal evidentiary hearing which could result in the Board imposing discipline that is more severe or less severe than the sanctions imposed herein.

3. **Board Approval:** This Agreement requires Board approval. If the Board rejects this Agreement, the Board may proceed with a full evidentiary hearing on the date scheduled by the Board in its notice. If the Board rejects this Agreement, the terms of this Agreement or statements made by Respondent in support of this Agreement shall not be used against Respondent in a subsequent hearing. The approval shall be effective the date this Agreement is signed by the Board or its designee.
4. **Waivers:** If this Agreement is accepted by the Board, Respondent agrees that her waiver of any and all rights under the ULA, NMSA 1978, Sections 61-1-1 through -34, is continuing, including but not limited to the right to a notice of hearing, an evidentiary hearing, the right to discovery, the right to present evidence, the right to call and cross examine witnesses, and the right to judicial review.
5. **Violations:** Respondent admits to the following violation(s) of:
 - a. § 61-9A-26(A)(4) and (6), unprofessional or unethical conduct and a violation of any provision of the Counseling and Therapy Practice Act or regulations adopted by the board, respectively;
 - b. 16.27.18.16 NMAC, *Professional Competence, Conduct & Integrity*: A licensed or registered individual, when interacting with a client or former client to whom the counselor or therapist has at any time within the previous 60 months rendered counseling or therapy, shall not (1) engage in ... contact or other physical intimacies with the client.
6. **Sanctions and Conditions:** Respondent agrees to the following disciplinary sanctions and conditions:
 - a. Respondent agrees that her license will be revoked, effective the date this Agreement is accepted by the Board, and over the following five years, she will complete twenty-five (25) sessions with a licensed therapist, psychologist, or social worker licensed in New Mexico, with whom she is not friends or related and with whom she has not worked in the past, during which time she would successfully address the setting of effective boundaries with clients and former clients, especially those who may be vulnerable in a variety of ways, and including those to whom she may be attracted.
 - b. After the passage of five years, Respondent would be permitted to reapply for licensure with the Board with the condition that she present a letter from the licensed counselor, psychologist, or social worker who has provided the 25 sessions described above, stating that she has completed the 25 sessions as required, during which time she has successfully addressed the above issues in those sessions (stating the term and focus of those sessions), as part of her application. That letter could include a waiver of liability signed by the licensed professional who has provided the 25 sessions.
 - c. Such application would be considered and given its due by the Board, barring any intervening issues relevant to Respondent's ability to practice, as deemed by the Board,

meanwhile, including but not limited to other, newer complaints filed with the Board or criminal convictions deemed by the Board to be related to the allegations in question.

7. **Reportable Discipline:** Respondent understands that this Agreement constitutes formal disciplinary action by the Board and that the Board will report the action to the applicable professional licensing national database, if any.
8. **Non-Compliance:** Respondent understands and agrees that failure to comply with the terms of this Agreement will result in further Board action. Any violation of this Agreement will result in the immediate, automatic filing of an administrative Notice of Non-Compliance by Board staff. Upon the filing of a Notice of Non-Compliance, the matter shall be scheduled for the next public meeting of the Board, at which time the Board shall hear from Board staff regarding the alleged non-compliance. Respondent shall have the opportunity to address the allegations or offer any other relevant argument or evidence regarding the reasons for non-compliance. Such argument or evidence may be provided in writing prior to the meeting or in person at the Board meeting. Any presentation regarding the Notice of Non-Compliance shall be limited to evidence surrounding Respondent's alleged failure to comply with the Agreement. Upon finding such violation occurred, the Board may suspend Respondent's license(s), provided that this suspension may only remain in effect until such time as Respondent has complied with the terms of this agreement, or take other enforcement action as permitted by law. If Respondent's non-compliance constitute acts that are prohibited under the Board's statute or rules, the Board may also initiate a new disciplinary action and refer that matter for administrative prosecution.
9. **Public Record:** This Agreement and the original complaint are public records and may be provided for inspection if requested, pursuant to the New Mexico Inspection of Public Records Act ("IPRA"), NMSA 1978, Section 14-2-1 *et seq.* The Board may also publish this Agreement or a summary of the Agreement to the public, which may include posting to the Board's website.
10. **Mailing Process.** Upon the Board Chairperson affixing her signature to the Order indicating the Board's approval of this Agreement, copies of both documents shall be mailed to Respondent by Certified Mail to Respondent's mailing address currently on record with the Board. Mailing shall fulfill the Board's obligation to notify Respondent of the Board's acceptance of the Agreement.
11. **Affirmative Statement.** Respondent affirmatively states that she has read this entire document and understands her responsibilities and duties in reference to settlement of this matter. Respondent knowingly, intentionally, intelligently, and voluntarily enters into and executes this Agreement and affirms that no representations have been made to her other than the terms and conditions expressly stated herein.
12. **Full Compliance and Final Disposition:** Upon Respondent's satisfactory completion of the terms of this agreement and successful reapplication to the Board or in the event that five years have passed since the date of acceptance of this Agreement by the Board and Respondent has not reapplied or her reapplication has not been successful, this case will be deemed closed for

administrative purposes without the filing of an order or official vote of the Board. The Board will contemplate no further action against Respondent's license for the conduct made the subject matter of this Agreement. This matter will still constitute disciplinary action as provided herein for purposes of Respondent's record with the Board and the Board may consider this misconduct as evidence of a pattern of conduct in the event that similar or other misconduct is proven against Respondent in the future. Additionally, the Board may consider the fact that discipline was imposed through this Agreement and the accompanying Order as a factor in determining appropriate discipline should any further misconduct be proven against Respondent in the future.

I understand and have read this document and hereby agree to the terms of this Agreement freely and voluntarily. I understand that by entering into this Agreement I am giving up my rights under the ULA, including my right to an evidentiary hearing on the merits of the alleged violations.

I understand that if the Board accepts this Agreement, I am required to comply with the terms stated herein, and that failure to comply with the Agreement may subject me to further discipline, including permanent revocation. .

Michele Bulling
Michele Bulling, Respondent

9-28-20
Date

No attorney (MB)
Respondent's Attorney (if any)

9-28-20
Date

ORDER

This document is not valid unless it is accepted by vote of the Board. Having come before the Board during a properly scheduled public meeting, with a quorum present and majority voting in the affirmative, this Agreement is:

X ACCEPTED

IT IS SO ORDERED.

NEW MEXICO COUNSELING THERAPY AND PRACTICE BOARD

/s/Bentley Oliver
Bentley Oliver, Board Chair

10/5/2020
Date