

**BEFORE THE STATE OF NEW MEXICO
COUNSELING AND THERAPY PRACTICE BOARD**

IN THE MATTER OF:

Case Number: 2016-77

**JENNAFER CROCKETT
License No.: CTL0182001;**

Respondent.

DECISION AND ORDER

THIS MATTER came before the New Mexico Counseling and Therapy Practice Board (hereinafter, "Board") during its regularly scheduled meeting on July 24, 2019, for a decision in the above-referenced case. With a quorum present and a vote in the affirmative, the Board voted to render this Decision and Order.

FINDINGS OF FACT

1. On or about September 4, 2018, the Board, issued a Notice of Contemplated Action ("NCA") to JENNAFER CROCKETT. The NCA stated that the Board had sufficient evidence to justify suspending or revoking Respondent's license. Respondent was also informed that the Board could impose administrative penalties against a licensee pursuant to the Counseling and Therapy Practice Act, NMSA 1978, Section 61-9A-26(A)(4) and (6) and the Uniform Licensing Act ("ULA"), NMSA 1978, Section 61-1-1 to 61-1-31.

2. The NCA stated that Respondent's alleged conduct, unless explained or rebutted at a formal hearing, justified the Board in suspending or revoking Respondent's license and take any other action provided for in the Uniform Licensing Act.

3. The NCA further informed Respondent that, if she would like the opportunity for a formal hearing in this matter she must **"within twenty (20) days after receipt of this**

Notice of Contemplated Action . . . request a formal hearing by certified mail, return receipt requested. Such a request for a formal hearing should be mailed to:"

Sheila Harris
Compliance Liaison
New Mexico Counseling and Therapy Practice Board
2550 Cerrillos Road
Santa Fe, NM 87505-3260

4. On or about September 4, 2018, the U. S. Postal Service ("USPS") received an envelope containing the NCA that was sent to Respondent's last known addresses, as shown in the Board's records, via certified mail, return receipt requested (No. 9171-9690-0935-0076-8826-75). On or about September 24, 2018, the certified return receipt envelope was returned unopen to the Board marked by the USPS tracking system as "return to sender, vacant, unable to forward".

5. On or about September 24, 2018, the U. S. Postal Service ("USPS") received a second envelope containing the NCA that was sent to Respondent's last known addresses, as shown in the Board's records, via certified mail, return receipt requested (No. 9171-9690-0935-0076-8826-51). On or about October 11, 2018, the certified return receipt envelope was returned unopen to the Board marked by the USPS tracking system as "not deliverable as addressed".

6. Respondent did not request a hearing within twenty (20) days of service of, the last attempted delivery of, or Respondent's refusal to accept delivery of, the NCA as contemplated by Sections 61-1-4(D)(3) (2003) and 61-1-5 (1957) of the Uniform Licensing Act, NMSA 1978, Sections 61-1-1 to -34 (1957, as amended through 2013) ("ULA").

7. Respondent failed to otherwise respond to the NCA.

CONCLUSIONS OF LAW

Based on the Findings of Fact, the Board reaches the following Conclusions of Law:

1. The Board has jurisdiction over Respondent and the subject matter of this proceeding pursuant to the Counseling and Therapy Practice Act, NMSA 1978, §§ 61-9A-4 and 61-9A-9 and ULA, NMSA 1978, §§ 61-1-14 and 61-1-31.

2. When served by certified mail, the NCA is deemed to have been served on the date borne by the return receipt showing delivery or the last attempted delivery of the NCA to the addressee or refusal of the addressee to accept delivery of the NCA. NMSA 1978, § 61-1-5.

3. Service of the NCA upon Respondent via certified mail was accomplished in accordance with Sections 61-1-4 and 61-1-5 of the ULA.

4. The Board may take the action contemplated in the NCA if the Respondent does not deposit in the mail a certified return receipt requested letter addressed to the Board containing a request for a hearing within twenty (20) days after service of the NCA. NMSA 1978, §§ 61-1-4(D)(3) and (E).

5. More than twenty (20) days have passed since Respondent was served, or deemed to have been served, with the NCA and Respondent has failed to request a hearing. Thus, the Board is authorized to take the action contemplated in the NCA pursuant to Section 61-1-4(E) of the ULA.

6. The Board has complied with all notice and other procedural requirements of the Counseling and Therapy Practice Act and the ULA.

7. The Board may suspend or revoke a license pursuant to Section 61-9A-26(A)(4) and (6) of the Counseling and Therapy Practice Act.

8. The Board's Decision and Order in this matter is final and is not subject to judicial review. NMSA 1978, § 61-1-4(E).

ORDER

Based on the above Findings of Fact and Conclusions of Law, the Board renders this Order.

IT IS THEREFORE ORDERED that Respondent's license is hereby **REVOKED**;

IT IS FURTHER ORDERED Respondent JENNAFER CROCKETT may not apply for or receive a New Mexico counseling or therapy license until the NCA has been answered and resolved.

IT IS SO ORDERED.

Chairwoman Bentley Oliver is designated by the Board to sign this Order on behalf of the Counseling and Therapy Practice Board.

**NEW MEXICO COUNSELING AND
THERAPY PRACTICE BOARD**

Approved via email
August 1, 2019
DATE

/s/ Bentley Oliver
Bentley Oliver, Chair

**BEFORE THE STATE OF NEW MEXICO
COUNSELING AND THERAPY PRACTICE BOARD**



**IN THE MATTER OF
JENNAFER CROCKETT
License Number: CTL0182001**

CASE NO. CT-2016-77

RESPONDENT.

NOTICE OF CONTEMPLATED ACTION

YOU ARE HEREBY NOTIFIED that the New Mexico Counseling and Therapy Practice Board (“Board”) has before it sufficient evidence that, if not rebutted or explained at a formal hearing, will justify the Board in disciplining you. Contemplated disciplinary measures permitted by Sections 61-1-3 (E) through (M) of the Uniform Licensing Act include revoking, suspending, or limiting your professional license, or other discipline. The Board also contemplates imposing upon you the costs of conducting a hearing, as allowed by rule.

APPLICABLE LAW

This matter arises under the New Mexico Counseling and Therapy Act, codified at New Mexico Statutes Annotated (“NMSA”) 1978, § 61-9A-1 through -30 (“Act”), the rules of the Board contained in the New Mexico Administrative Code (“NMAC”) in Title 16, Chapter 27, and the Uniform Licensing Act, NMSA 1978, §§ 61-1-1 through 61-1-33 (“ULA”).

Such contemplated action exists pursuant to the following relevant provisions of the Act:

§ 61-9A-26(A)(4)(6). License and registration; denial, suspension and revocation.

A. In accordance with the procedures established by the Uniform Licensing Act (61-1-1 to 61-1-31 NMSA 1978), the Board may deny, suspend or revoke any license or registration held or applied for under the Counseling and Therapy Practice Act (61-9A-1 to 61-9A-30 NMSA 1978), or take any other action provided for in the Uniform Licensing Act, upon grounds that the licensee, registrant or applicant:

(1) is guilty of fraud, deceit or misrepresentation in procuring or attempting to procure any license or registration provided for in the Counseling and Therapy Practice Act;

(2) is adjudicated mentally incompetent by regularly constituted authorities;

(3) is found guilty of a felony or misdemeanor involving moral turpitude;

(4) is found guilty of unprofessional or unethical conduct;

(5) has illicitly been using any controlled substances, as defined in the Controlled Substances Act, or using a mood-altering substance or alcoholic beverage to an extent or in a manner dangerous to the licensee, registrant or applicant or any other person or the public or to an extent that the use impairs the licensee's, registrant's or applicant's ability to perform the work of a counselor or therapist practitioner;

(6) has violated any provision of the Counseling and Therapy Practice Act or regulations adopted by the board;

(7) is grossly negligent in practice as a professional counselor or therapist practitioner;

(8) willfully or negligently divulges a professional confidence;

(9) demonstrates marked incompetence in practice as a professional counselor or therapist practitioner;

(10) has had a license or registration to practice as a counselor, therapist or other mental health practitioner revoked, suspended or denied in any jurisdiction, territory or possession of the United States or another country for acts of the licensee or registrant similar to acts described in this subsection;

(11) knowingly and willfully practices beyond the scope of practice, as defined by the board;
or

(12) uses conversion therapy on a minor.

Evidence indicates that Respondent may have violated the above-cited statute, as well as the following Board Rule:

§ 61-9A-5. Scopes of practice

A. For the purpose of the Counseling and Therapy Practice Act, a person is practicing as a professional . . . marriage and family therapist . . . if the person advertises, offers to practice, is employed in a position described as professional mental health counselor, professional clinical mental health counselor, marriage and family therapist, professional art therapist, registered independent mental health counselor, alcohol and drug abuse counselor, alcohol abuse counselor, drug abuse counselor or substance abuse counselor associate, or holds out to the public or represents in any manner that the person is licensed or registered to practice as a counselor or therapist enumerated in this section in this state.

D. "Practice of marriage and family therapy" means the licensed practice of marriage and family therapy services delivered to persons, couples and families treated singly or in groups within the context of family systems to:

- (1) achieve the mental, emotional, physical, social, moral, educational, spiritual or career-related development and adjustment of the client throughout the client's life;
- (2) diagnose, evaluate, prevent and treat mental, emotional or behavioral disorders and associate distresses that interfere with mental health;
- (3) conduct appraisal, assessments and evaluations to establish treatment goals and objectives; and
- (4) plan, implement and evaluate treatment plans using marriage and family therapy treatment interventions and strategies.

16.27.18.12 INTEGRITY: A licensed or registered individual is expected to behave according to the standards of professional integrity and competence as defined by rule or law. A licensed or registered individual must not condone, associate with, or participate in dishonest, fraudulent, or deceitful behavior. A licensed or registered individual must not misrepresent themselves, their training, or their services. It is the responsibility of licensees and registered mental health counselors to be completely informed about this code of ethics by which they are governed.

16.27.18.16 PROFESSIONAL COMPETENCE, CONDUCT & INTEGRITY:

F. Licensed or registered individuals shall only perform counseling or therapy services within the scope of practice for their license. Licensed or registered individuals shall only perform testing and assessment services for which they are authorized under the act.

FACTUAL BASIS FOR THE ALLEGED VIOLATIONS

On or about September 13, 2016, the Board received a Complaint from Ms. Regina Davis ("Complainant"), reporting that Respondent was performing counseling or therapy services outside the scope of practice for her license, namely a temporary mental health counselor license ("LMHC"). On or about September 27, 2016, the Board received a response from Respondent admitting, "I am currently practicing as an LMNC-MFT which is my temporary license for licensed mental health counselor marriage and family therapy track."

RESPONDENT'S RIGHT TO A HEARING

The hearing, if requested, will be conducted in accordance with the ULA. The ULA provides as follows:

§ 61-1-3. Opportunity for licensee or applicant to have hearing.

Every licensee or applicant shall be afforded notice and an opportunity to be heard, before the board has authority to take any action, which would result in:

- A. denial of permission to take an examination for licensing for which application has been properly made as required by board rule;
- B. denial of a license after examination for any cause other than failure to pass an examination;
- C. denial of a license for which application has been properly made as required by board rule on the basis of reciprocity or endorsement or acceptance of a national certificate of qualification;
- D. withholding the renewal of a license for any cause other than:
 - (1) failure to pay the required renewal fee;
 - (2) failure to meet continuing education requirements; or
 - (3) issuance of a temporary license extension if authorized by statute;
- E. suspension of a license;
- F. revocation of a license;
- G. restrictions or limitations on the scope of a practice;

- H. the requirement that the applicant complete a program of remedial education or treatment;
- I. monitoring of the practice by a supervisor approved by the board;
- J. the censure or reprimand of the licensee or applicant;
- K. compliance with conditions of probation or suspension for a specific period of time;
- L. payment of a fine for a violation not to exceed one thousand dollars (\$1,000) for each violation, unless a greater amount is provided by law;
- M. corrective action, as specified by the board; or
- N. a refund to the consumer of fees that were billed to and collected from the consumer by the licensee.

§ 61-1-8. Rights of person entitled to hearing.

A. A person entitled to be heard under the Uniform Licensing Act shall have the right to be represented by counsel or by a licensed member of his own profession or occupation, or both; to present all relevant evidence by means of witnesses and books, papers, documents and other evidence; to examine all opposing witnesses who appear on any matter relevant to the issues; and to have subpoenas and subpoenas duces tecum issued as of right prior to the commencement of the hearing to compel discovery and the attendance of witnesses and the production of relevant books, papers, documents and other evidence upon making written request therefore to the board or hearing officer. The issuance of such subpoenas after the commencement of the hearing rests in the discretion of the board or the hearing officer. All notices issued pursuant to Section 61-1-4 NMSA 1978 shall contain a statement of these rights.

B. Upon written request to another party, any party is entitled to:

- (1) obtain the names and addresses of witnesses who will or may be called by the other party to testify at the hearing; and
- (2) inspect and copy any documents or items which the other party will or may introduce in evidence at the hearing.

The party to whom such a request is made shall comply with it within ten days after the mailing or delivery of the request. No request shall be made less than fifteen days before the hearing.

C. Any party may take depositions after service of notice in accordance with the Rules of Civil Procedure for the District Courts. Depositions may be used as in proceedings governed by those rules.

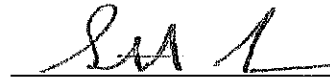
CONCLUSION

The evidence before the Board summarized above, if not rebutted or explained at a formal hearing, is sufficient to justify the Board in revoking, or imposing other disciplinary measures upon, the Respondent's professional license, and in imposing the costs of the administrative hearing, if any.

The Board shall take these actions unless, within twenty (20) days after receipt of this Notice of Contemplated Action, the Respondent requests a formal hearing by certified mail, return receipt requested. Such a request for a formal hearing should be mailed to:

**Sheila Harris
Compliance Liaison
New Mexico Counseling and Therapy Practice Board
PO Box 25101,
Santa Fe, NM 87504**

DATED: 4th day of September, 2018



Chairperson
New Mexico Counseling and Therapy
Practice Board

Administrative Prosecutor:
/s/Olga Serafimova
Olga Serafimova
Assistant Attorney General
Litigation Division
408 Galisteo Street
Santa Fe, NM 87501

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Notice of Contemplated Action was mailed to the Respondent on this ~~4th~~^{24th} day of September, 2018, via certified mail return receipt requested.

Jennafer Crockett

7100 Natalie NE, Apt. L-294
Albuquerque, NM 87110

22 Calvary Rd #53
Cedar Crest, NM 87068

Certified Mail No.: 9171969009350076882675

9171969009350076882651

By: Sheila Harris

Sheila Harris, Compliance Liaison

New Mexico Counseling and Therapy Practice Board

Jennafer Crockett
22 Calvary Road #53
Cedar Crest, NM 87008
CT-2016-77

9171 9690 0935 0076 8826 51