

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

IN THE MATTER OF:

Case No. PSY-16-18-INC

Allan Roberts,  
RXP Lic. 0043,  
Control Substance Lic. CS00219981

Respondent.

**FINAL DECISION AND DEFAULT ORDER FOR UNLICENSED PRACTICE**

THIS MATTER came before a quorum of the New Mexico State Board of Psychologist Examiners (the “Board”) at a public meeting held on November 15, 2019 based on a complaint filed with the Board alleging that Allan Roberts (hereinafter “Respondent”) violated the Professional Psychologist Act, NMSA 1978, Sections 61-9-1 to -19 (1963, as amended through 2019) (“Act”). Respondent did not request a hearing and the matter was presented to the Board as a default action. After due deliberation, the Board voted to revoke Respondent’s license if he failed to respond to a second Notice of Contemplated Action (“NCA”). 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:

1. The Board has complied with all notice and other procedural requirements of the Act and the ULA.
2. In accordance with Section 61-1-4(D), the Board sent a NCA in the above-captioned matter to Respondent at his last known address of record on March 19, 2019, via United States Postal Service Certified Mail, Return Receipt Requested, Article No. 9171 9690 0935 0076 8824 15.
3. United States Postal Service tracking indicates that the NCA was unclaimed on March 23, 2019.

4. A second copy of the NCA was sent via certified mail and email at his last known address of record on November 26, 2019, via United States Postal Service Certified Mail, Return Receipt Requested, Article No. 9171 9690 0935 0079 1176 06.
5. United States Postal Service tracking indicates that Respondent received the second copy of the NCA on December 6, 2019.
6. The NCA notified Respondent that the Board had before it sufficient evidence which, if not rebutted or satisfactorily explained at a formal hearing, would justify the suspension or revocation of Respondent's license to practice as a professional psychologist in the State of New Mexico.
7. The NCA further notified Respondent that the Board would take such action without a hearing unless he requested a formal hearing "within twenty (20) days after receipt of this Notice of Contemplated Action."
8. 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." Section 61-1-4(E).
9. To date, Respondent failed to request a hearing in response to the first and second issuance of the NCA or otherwise provide any evidence rebutting or explaining the violations alleged in the NCA.

Based on the above findings, the Board enters the following Default Order:

IT IS ORDERED that Respondent's license to practice as a professional psychologist and prescribing psychologist certificate issued by this Board are hereby revoked. Respondent shall not engage in the practice of psychology or utilize his prescriptive authority as defined by the Act or

use the title or represent himself as a licensed psychologist or use any other title or abbreviations, letters, signs or devices that indicate that he is a licensed psychologist.

This Order constitutes formal disciplinary action by the Board and may be reported to the applicable professional licensing national database, if any. 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.

This Decision and Order shall be served upon Respondent in accordance with law.

IT IS SO ORDERED.



Ken Gilman, Psy.D., Chair  
Board of Psychologist Examiners

12/31/2019  
Date

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document and attachments were sent via certified mail, return receipt requested to Allan Roberts at his last known address of record, on December 31, 2019.

/s/ Sheila Harris

Sheila Harris, Compliance Liaison