

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

IN THE MATTER OF:

Case No. PSY-18-18-COM

Ramona Silva,  
PSY 711,

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 18, 2019 based on a complaint filed with the Board alleging that Ramona Silva (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. 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 Notice of Contemplated Action ("NCA") in the above-captioned matter to Respondent at his last known address of record on June 19, 2019, via United States Postal Service Certified Mail, Return Receipt Requested, Article No. 9171 9690 0935 0079 1172 48.
3. United States Postal Service tracking indicates that Respondent received and signed for the NCA on June 21, 2019.

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.



Kenneth Gilman, Psy.D., Chair

Board of Psychologist Examiners

11/27/19

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 her last known address of record, on November 27, 2019.

  
Sheila Harris, Compliance Liaison

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

**IN THE MATTER OF:**

**Case No. PSY-18-18-COM**

**Ramona Silva,  
License No. PSY711,**

**Respondent.**

**NOTICE OF CONTEMPLATED ACTION**

TAKE NOTICE that the Board of Psychologist Examiners (“Board”) is contemplating taking disciplinary action against the license held by Ramona Silva (“Respondent”). The Board has before it sufficient evidence that, if not rebutted or satisfactorily explained at a formal hearing, will justify the Board revoking, suspending or taking other disciplinary action against Respondent’s license. If Respondent does not request a hearing within twenty (20) days after service of this Notice of Contemplated Action (“Notice”), the Board will proceed to take the action contemplated in this Notice, and such action will be final and not subject to judicial review.

**APPLICABLE LAW**

1. Respondent is licensed pursuant to the Professional Psychologist Act, NMSA 1978, Sections 61-9-1, and as such is subject to the jurisdiction of the Board of Psychologist Examiners (“the Board”). The Board has jurisdiction over this disciplinary action pursuant to the Professional Psychologist Act and the Uniform Licensing Act (“ULA”), NMSA 1978, Sections 61-1-1 to -34 (1957, as amended through 2017).
2. This Notice is based upon the following alleged statutory or regulatory violation(s):
  - a. 16.22.2.9(A) NMAC – DUAL RELATIONSHIPS: The psychologist shall not undertake or continue a professional relationship with a client or patient when the objectivity or competency of the psychologist is compromised because of the psychologist’s present or previous familial, social, sexual, emotional, or legal relationship with the client or a relevant person associated with or related to the client.
  - b. 16.22.2.9(B)(3) NMAC – DUAL RELATIONSHIPS: The psychologist, in interacting with a current or former client or patient to whom the psychologist has at any time within the previous 12 months rendered counseling, psychotherapeutic, or other professional psychological services for treatment or amelioration of emotional distress or behavioral inadequacy, shall not: enter into a business or

financial (other than fees for professional services) or other potentially exploitative relationship with the client or patient.

- c. 16.22.2.10(F) NMAC – PATIENT WELFARE/EXPLOITATIVE RELATIONSHIPS: (1) The psychologist shall not exploit persons over whom the psychologist has supervisory, evaluative, or other authority such as applicants, supervisees, employees, research participants, and clients or patients. (2) The psychologist shall not engage in sexual relationships with applicants, supervisees in training over whom the psychologist has evaluative or direct authority.
- a. 16.22.2.10(J) NMAC – PATIENT WELFARE. Avoiding harm. Psychologists take reasonable steps to avoid harming their patients, research participants, applicants and others with whom they work, and minimize harm where it is foreseeable and unavoidable.

### **SUMMARY OF THE EVIDENCE AGAINST RESPONDENT**

- 3. The general nature of the evidence before the Board is as follows:
  - a. Respondent's patient or client lived with Respondent for an approximate period of 1.5 years.
  - b. During this period, Respondent had an approximate 10-year period of therapeutic or psychological relationship with her patient or client.
  - c. Respondent's live in relationship was exploitative and compromised Respondent's objectivity or competency by not keeping clear boundaries between them. This live-in situation has the potential to affect the power differential in their relationship.
  - d. Respondent failed to take reasonable steps to terminate care such as calling the patient or client, writing to the patient or client, and attempting to refer patient or client to other healthcare providers. Respondent did not take these steps to avoid or minimize harm that was foreseeable and unavoidable.

### **RIGHTS AND OBLIGATIONS OF RESPONDENT**

- 4. **Unless Respondent requests a formal hearing, the evidence before the Board is sufficient to justify the Board in taking the contemplated action.**
- 5. The formal hearing, if requested, will be conducted pursuant to the ULA as provided by Section 61-1-8. Section 61-1-8 provides that:
  - A. A person entitled to be heard under the Uniform Licensing 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 therefor 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 (10) days after the mailing or delivery of the request. No request shall be made less than fifteen (15) days before the hearing. Respondent shall direct any such request to the administrative prosecutor, whose name and contact information is listed below.
  - 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.
6. **If Respondent does not request a hearing in this matter, the Board will take the contemplated action by default. See § 61-1-4(D)(3). If no hearing is requested, this disciplinary action will not be subject to judicial review. See § 61-1-4(E).**
7. In order to request a hearing in this matter Respondent must 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 services of this notice. See § 61-1-4(D)(3). A written request for a hearing should be sent to the following address:

Sheila Harris, Compliance Liaison  
Board of Psychologist Examiners  
New Mexico Board of Regulation and Licensing  
P.O. Box 25101  
Santa Fe, NM 87504

Dated this 19<sup>th</sup> day of June, 2019.

**NEW MEXICO STATE BOARD OF  
PSYCHOLOGIST EXAMINERS**

By:   
Tomas R. Granados, Psy.D., Chairman

Prepared by:

/s/ Ismael L. Camacho  
Ismael Camacho López  
Assistant Attorney General  
Administrative Prosecutor  
New Mexico Attorney General's Office  
201 Third Street, Suite 300  
Albuquerque, NM 87102  
Telephone: (505) 717-3510  
Email: [icamacho@nmag.gov](mailto:icamacho@nmag.gov)

**CERTIFICATE OF SERVICE BY CERTIFIED MAIL**

**Return Receipt Request No: 9171 9690 0935 0079 1172 48**

I, Sheila Harris, do hereby certify that on this 19<sup>th</sup> day of June, 2019, I mailed a true and correct copy of the Notice of Contemplated Action in Case No. PSY-18-18-COM by United States Postal Service Certified Mail, return receipt requested, to:

Ramona Silva  
2100 San Venito Place, NW  
Albuquerque, NM 87104

Sheila Harris

Print the Name of Individual Certifying Service

Compliance Liaison

Title/Organization

Sheila Harris

Signature