

**BEFORE THE BOARD OF SOCIAL WORK EXAMINERS  
FOR THE STATE OF NEW MEXICO**

**IN THE MATTER OF:**

**Sandra Morales,  
License No. M-09329  
Respondent.**

**Case Nos. SW-17-30-COM  
SW-17-32-COM**

**DECISION AND ORDER BASED ON HEARING**

THIS MATTER comes before the New Mexico Board of Social Work Examiners (“Board”) upon the filing of the Notice of Contemplated Action (“NCA”) dated August 7, 2019. Sandra Morales (“Respondent”) received the NCA and requested a formal hearing on the matter. An evidentiary hearing before the undersigned Hearing Officer was held on October 5, 2020 via the WebEx online platform.

Pursuant to the New Mexico Uniform Licensing Act, NMSA 1978, Sections 61-1-1 through -34 (1957, as amended through 2019) Board members, having familiarized themselves with the record, met on December 11, 2020 to consider the Hearing Officer’s report. At such Board meeting, a quorum of the Board decided to adopt the findings of fact of the Hearing Officer’s report. The Board further decided that the NCA be DISMISSED such that no action will be taken against Respondent’s license pursuant to the NCA. Accordingly, these matters are closed.

IT IS SO ORDERED.

NEW MEXICO BOARD OF SOCIAL WORK EXAMINERS

/s/ Sandra Turner  
Sandra Turner  
Hearing Officer

12/28/2020  
Date

## CERTIFICATE OF SERVICE

**I hereby certify that a true and correct copy of the foregoing was mailed by United States Postal Services Certified Mail, return receipt requested and e-mailed to:**

Michael Stout  
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*Counsel for Respondent*

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Erin Lecocq, Assistant Attorney General  
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*Counsel for the Board*

/s/ Sheila Harris  
Sheila Harris  
Compliance Liaison  
Regulation and Licensing Department  
P.O. Box 25101  
Santa Fe, NM 87504

Dated this 4<sup>th</sup> day of January, 2021.

**BEFORE THE BOARD OF SOCIAL WORK EXAMINERS  
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**IN THE MATTER OF:**

**Sandra Morales,  
License No. M-09329  
Respondent.**

**Case Nos. SW-17-30-COM  
SW-17-32-COM**

**HEARING OFFICER REPORT**

This matter came before duly appointed Hearing Officer Sandra Turner upon the filing of the Notice of Contemplated Action (“NCA”) dated August 7, 2019, by the New Mexico Board of Social Work Examiners (the “Board”). Sandra Morales (“Respondent”) received the NCA and requested a formal hearing on the matter. An evidentiary hearing was held on October 5, 2020 via the WebEx online platform. The online platform was necessitated by the COVID-19 public health emergency. The WebEx platform permitted the Hearing Officer to observe any witnesses by both audible and visual means. The Hearing Officer presided over the hearing, and was advised by the Board’s counsel, Karla Soloria. The state appeared through administrative prosecutor Assistant Attorney General Erin Lecocq. Respondent appeared and was represented by counsel, Michael L. Stout.

The Hearing Officer submits this report pursuant to the New Mexico Uniform Licensing Act, NMSA 1978, Sections 61-1-1 through -34 (1957, as amended through 2019) (“the ULA”), and hereby submits the following proposed finds of fact.

**Summary of Allegations**

1. On or about November 17, 2017 the Board received a complaint alleging that Respondent abandoned her clients when she was absent for three consecutive Wednesdays following an incident which led to Respondent being absent for more than one week. Respondent

failed to report back to work without notice to her clients, management, or supervisor, resulting in cancellation of appointments and assignment of clients to other clinicians.

2. The Respondent failed to contact her immediate supervisor or management to provide notice of her intention not to return to work.

3. Respondent maintained that she had resigned, but did not have a conversation with her employer or supervisor to inform them of her resignation.

4. Upon leaving her employment, Respondent actively recruited clients with whom she had a professional relationship through her subsequent employment with other agencies.

5. During her time at the The Recovery Management Center, the Respondent showed signs of an emotional psychological crisis, including suicidal ideations, delusional thought patterns, paranoia, and feeling overwhelmed and unable to cope with her duties.

6. At the time the NCA was issued, it was unknown whether Respondent had taken adequate steps to respond to her mental health needs, and it was feared if she continued to work in a therapeutic capacity with clients without first obtaining proper treatment, she could harm them or herself.

7. The above information presented potential cause for suspending, revoking, or taking other action against Respondent's license in accordance with the ULA, the Social Work Practice Act ("Act"), NMSA 1978, §§ 61-31-1 through -25, and the Board's Rules ("Rules"), 16.63.16 NMAC, on the following grounds:

a. 16.63.16.8(A) Commitment to clients.

Social workers' primary responsibility is to promote the well being of clients. In general, clients' interests are primary. However, social workers' responsibility to the larger society or specific legal obligations may on limited occasions supersede

the loyalty owed clients, and clients shall be so advised. (Examples include when a social worker is required by law to report that a client has abused a child or has threatened to harm self or others.)

b. 16.63.16.8 (G) Conflicts of interest.<sup>1</sup>

(2) Social workers shall not take unfair advantage of any professional relationship or exploit others to further their personal, religious, political, or business interests.

c. 16.63.16.16.8 (P) Interruption of services.

Social workers shall make reasonable efforts to ensure continuity of services in the event that services are interrupted by factors such as unavailability, relocation, illness, disability, or death.

d. 16.63.16.8 (Q) Termination of services.

(2) Social workers shall take reasonable steps to avoid abandoning clients who are still in need of services. Social workers should withdraw services precipitously only under unusual circumstances, giving careful consideration to all factors in the situation and taking care to minimize possible adverse effects. Social workers should assist in making appropriate arrangements for continuation of services when necessary.

(3) Social workers in fee-for-service settings may terminate services to clients who are not paying an overdue balance if the financial contractual arrangements have been made clear to the client, if the client does not pose an imminent danger to self

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<sup>1</sup> The Hearing Officer notes that the NCA contained a typographical error, referring to “16.63.18.8(G) Conflicts of interest.” The correct numerical citation to the applicable conflicts of interest rule is included here.

or others, and if the clinical and other consequences of the current nonpayment have been addressed and discussed with the client.

(4) Social workers shall not terminate services to pursue a social, financial, or sexual relationship with a client.

(5) Social workers who anticipate the termination or interruption of services to clients shall notify clients promptly and seek the transfer, referral, or continuation of services in relation to the clients' needs and preferences

e. 16.63.19.8 Determination of Impairment.

Complaints will be reviewed in accordance with policies and procedures established by the Board. If the complaint committee or the Board has reasonable cause to believe that a licensed social worker is unable to practice with reasonable skill and safety because of a mental disorder or habitual or excessive use of a controlled substance or alcohol, the committee or the Board shall report those findings and the Board shall cause an examination of the social worker to be made.

Summary of Proceedings

The state's administrative prosecutor introduced the following exhibits:

Exhibit 1: The NCA

Exhibit 2: The Notice of Hearing dated August 14, 2020

Exhibit 3: Complaint Form dated November 3, 2017, including Letter from David Leadbetter to the Board dated November 3, 2017 and Letter from Respondent to the Board dated November 20, 2017

Exhibit 4: Complaint Form dated November 20, 2017, including Letter from Jim Helgert to the Board dated June 28, 2017 and Letter from Respondent to the Board dated November 30, 2017

Exhibit 5: Stipulation of the Parties

Exhibit 6: Excerpt from psychological evaluation by Dr. Kenneth C. Kenney, Ph.D., MSW

The parties agreed to a limiting instruction providing that the complaints entered as Exhibits 3 and 4 would not be considered as proof of the veracity of the events alleged in such complaints.

#### Witnesses

Respondent, Sandra Morales, was the only witness that testified.

#### Proposed Findings of Fact

1. Respondent holds a bachelor's degree in chemical dependency and a 2015 master's degree in social work.
2. Respondent is currently employed for the agency Trauma and Recovery, located in Silver City, NM. She has been employed there since January 2019. Trauma and Recovery employs twelve therapists and serves over sixty clients.
3. In her current position, Respondent is responsible for intake, assigning clients to therapists, staffing cases, and conducting individual counseling sessions. She works approximately 32 hours a week.
4. At the time of hearing, Respondent anticipated becoming clinical director at Trauma and Recovery once her provisional license is approved by the Board.
5. Respondent's supervisor at Trauma and Recovery is supportive of Respondent in her case before the Board.
6. Prior to working at Trauma and Recovery, Respondent was employed at the jail in Deming, NM from August 2018 to January 2019 as a mental health therapist for inmates.
7. Respondent was previously employed at Lakeview Christian Hospice in Carlsbad, NM from November 2017 through July 2018 providing grief counseling.
8. In 2017, during the time period giving rise to the complaints received by the Board, Respondent was feeling extremely overwhelmed. At that time she was at a "low point."

9. At that time in 2017, Respondent suffered an emotional issue which temporarily disrupted her ability to work effectively as a social worker. As a result, she quit her employment. *See state's Ex. 5.*

10. Respondent's mental health issue in 2017 caused the issues noted in the complaints received by the Board.

11. Since that time Respondent has taken steps in support of her wellbeing and mental health. Respondent specifically referred to her wanting to be a good role model to her daughter, cutting out alcohol by relying on techniques gained from her undergraduate education in alcohol and drug counseling, practicing yoga, meditating daily, eating and sleeping well, and dividing her work life from her personal life.

12. Respondent has PTSD related to childhood trauma and a domestic violence relationship she experienced in her early twenties. She is able to manage her PTSD.

13. Respondent previously saw a counselor from June to September 2017 while living in Silver City after the events giving rise to the complaints submitted to the Board.

14. During the time period in 2017 giving rise to the complaints received by the Board, Respondent was travelling to six counties for work and was overwhelmed by the amount of clients she was seeing. Respondent is now more focused in her new position, working for one agency and not going to different counties.

15. Respondent underwent a psychological evaluation by Dr. Kenneth C. Kenney in 2017 after the events giving rise to the complaints received by the Board.

16. Respondent again underwent a psychological evaluation by Dr. Kenney on September 11, 2019 to make sure she was "on track" and fit to practice.



17. At the time he conducted the psychological evaluation in 2019, Dr. Kenney was aware of Respondent’s previous mental health status in 2017 based on his prior 2017 evaluation of Respondent.

18. In his 2019 evaluation, Dr. Kenny found that, “[Respondent] has taken responsibility for her contribution to the problems she experienced at her previous job. She has made substantial efforts to deal therapeutically with her PTSD symptoms and to better manage her depression and anxiety when they emerge. The results of this psychological evaluation demonstrate her present stability, and the indications are that she can manage her symptoms. I believe that she is fit to return to work with no restrictions.” *See* state’s Ex. 6.

19. The state’s administrative prosecutor has not received any complaints in her office regarding Respondent since the 2017 complaints giving rise to this case.

20. The state does not believe discipline against Respondent is warranted in this case and asks the Board to consider Respondent’s mental health in determining whether she is capable of practicing as a social worker.

Respectfully Submitted,

11/3/2020

DATE

Sandra Turner (electronically signed per permission via email dated 11/2/20)

Sandra Turner

HEARING OFFICER