

**BEFORE THE ADVISORY BOARD OF  
RESPIRATORY CARE PRACTITIONERS  
OF THE STATE OF NEW MEXICO**

IN THE MATTER OF:	)	
	)	
<b>KATHRYN MOUND</b>	)	
	)	CASE No. 2010-01
Respondent.	)	
	)	
LICENSE NO.: #1421	)	
	)	
	)	
	)	

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**WAIVER OF HEARING AND CONSENT TO DISCIPLINE**

The proposal of the Board is hereby accepted and I, Kathryn Mound, agree to accept and consent to:

1. entering into an agreement with a Board approved therapist for therapy in the area of post traumatic stress, grief and loss, and depression for a period of one (1) year from the date of the execution of this Waiver and Consent to Discipline.

2. the therapist agreed upon by the Respondent and the Board shall report to the Board monthly as to the status of the Respondent.

3. The Respondent shall take six (6) CEU's in addition to those required for maintenance of her licensure. These additional six (6) CEU's shall be in the area of responsibilities to patients.

4. Respondent shall be tested for the use of unprescribed drugs and illegal substances once per month and the results shall be sent to the Board.

5. Respondent shall bear the expense of all aspects of this agreement.

6. Respondent Kathryn Mound completely understands that by accepting the imposition of the penalty enumerated above as resolution of this matter and that she is admitting to the allegations as set forth in

paragraph #9 below.

7. Respondent agrees that she will surrender her license in the event she violates any term of this *Waiver and Consent to Discipline*.

8. At all relevant times the Respondent was a licensee of the Board and the Board has jurisdiction over the Respondent and the subject matter of this action.

9. Respondent acknowledges that this disciplinary action is for the following conduct:

- a. gross negligence according to NMSA (2010) § 61-12B-12 A (6) as defined at NMAC (2010) § 16.23.17.9 (B) and (D)(1)(3)(4)(5)
- b. engaging in unprofessional conduct according to NMSA (2010) § 61-12B-12 A (8).
- c. failing to maintain minimum acceptable and prevailing standards of respiratory care practice according to NMAC (2010) § 16.23.17.8 (1)(1),
- d. abandoning or neglecting a patient requiring immediate respiratory care without making reasonable arrangements for continuation of such care according to NMAC (2010) § 16.23.17.8 (1)(6); and,
- e. failing to take appropriate action to safeguard the patient's welfare or to follow policies and procedures established by the respiratory care practitioner's employer according to NMAC (2010) § 16.23.17.8 (1)(8).

10. By accepting this offer, Respondent Kathryn Mound hereby waives all her rights to a hearing pursuant to the *New Mexico Uniform Licensing Act*.

11. Respondent Kathryn Mound understands that her rights include the right to a Notice of Contemplated Action, which contains written notice of the charges against her, the general nature of the evidence concerning the allegations, and notice of her right to contest the above allegations at a formal hearing before the Board pursuant to the provisions of the *Uniform Licensing Act*, NMSA 1978, Sections 61-1-4 and 61-1-8.

12. Respondent Kathryn Mound fully and completely understands that the proposed discipline is a "disciplinary action." A record of this matter is included in her permanent licensing file, which is a public record subject to inspection by the public upon request.

13. Respondent acknowledges that a letter of Reprimand shall remain on file and this disciplinary action shall be reported to the Health Insurance Reportability and Accountability database.

14. Respondent has waived all time limitations set forth in the *Uniform Licensing Act*.

15. Respondent waives all actions known or unknown against the Board and any of its members as a result of the approval of this *Waiver and Consent to Discipline*.

16. Upon execution of this *Waiver and Consent to Discipline* Respondent releases the Board from any and all claims arising out of the Board's decision to investigate the complaint, file Notice of Contemplated Action, and take the actions prescribed therein.

17. This agreement is subject to Board approval and upon approval is binding on the Board and the Respondent.

18. Failure by the Respondent to fully and faithfully adhere to the terms of this *Waiver and Consent to Discipline* shall be separate and independent grounds for future disciplinary action by the Board.

19. This *Waiver and Consent to Discipline* is a settlement of Board case number 2010-01 and only the specific allegations made therein.

20. The complaint, *Notice of Contemplated Action*, and this *Waiver and Consent to Discipline* are public records within the meaning of the *Inspection of Public Records Act*, NMSA 1978, sec. 14-2-6 (E)(1993).

21. The complaint and this *Waiver and Consent to Discipline* shall be reported to the Healthcare Integrity and Protection Data Bank.

22. Respondent Kathryn Mound is familiar with the complaint and she hereby waives all her rights to a hearing pursuant to the *New Mexico Uniform Licensing Act*.

23. Respondent Kathryn Mound has read this entire agreement and fully understands each

provision. Her signature below acknowledges that she knowingly, intelligently and freely agrees with the terms and conditions of this *Waiver and Consent to Discipline* and consents thereto.

Signature of Acceptance: Kathryn L. Mound 1421  
Name of Licensee License No

Date of Acceptance: 2-21-11

Signature for the Board: [Signature]  
Chairman

Date of Acceptance: 12/9/2011