

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

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)	
IN THE MATTER OF:)	
)	
KRISTIN ANN REYNOLDS)	
)	
Respondent.)	CASE No. 2009-02
)	
LICENSE NO.: 867)	
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FINAL DECISION AND ORDER

This matter is before the Respiratory Care Advisory Board (“Board”) for decision and order pursuant to the provisions of the Uniform Licensing Act, NMSA 1978, §§ 61-1-1 to -31. The proceedings in this matter were presided over by Dr. Lee K. Brown, designated Hearing Officer. The allegations in the Notice of Contemplated Action came up for hearing on October 7, 2011. Respondent, being properly served and notified, failed to appear. Assistant Attorney General William J. Moon appeared as administrative prosecutor. The Hearing Officer’s Report was filed with the Board on November 3, 2011. A copy of the Hearing Officer’s Report is attached hereto and incorporated by reference.

On December 9, 2011, a quorum of the Board, having familiarized themselves with the record, including the Hearing Officer’s Report, participated in the deliberation and decision in this matter. By an affirmative vote of three to zero, the Board renders its decision and order:

FINDINGS OF FACT

The Board adopts the proposed Findings of Fact, numbered 1 thru 8, set forth in the Hearing Officer’s Report.

CONCLUSIONS OF LAW

The Board adopts the proposed Conclusions of Law, numbered 1 thru 9, set forth in the Hearing Officer's Report.

ORDER

Upon consideration of all the facts and circumstances, including those in mitigation of the violations, the Board **ORDERS**:

1. Pursuant to NMSA 1978, Section 61-1-3(J), Respondent shall be issued a formal letter of reprimand for gross negligence according to 16.23.17.9(G) NMAC and unprofessional conduct according to 16.23.17.9(I)(2), and such reprimand shall be recorded in the permanent records of the Board.
2. Pursuant to 16.23.16.17, this disciplinary action shall be reported to the Federal Fraud and Abuse Data Bank.
3. Pursuant to 16.23.17.18 NMAC, this disciplinary action shall be reported to the National Respiratory Care Disciplinary Database.

Dr. Henry Oh, the Board's Chairman, is designated to sign this Decision and Order. A copy of the Decision and Order shall be filed and served upon the Respondent in accordance with the law.

NOTICE OF RIGHT TO APPEAL: Pursuant to Section 61-1-17 of the Uniform Licensing Act and NMSA 1978, Section 39-3-1.1, a person aggrieved by an adverse decision of the Commission issued after a hearing may obtain a review of the decision in the district court of Santa Fe County or in the district court of any county in which a hearing on the matter was conducted. To obtain such review, a notice of appeal must be filed in the proper district court within thirty (30) days after the date of the Commission's decision. Failure to file a notice of appeal within the time stated herein shall operate as a waiver of the right to judicial review and shall result in the decision of the Commission becoming final. The procedures for filing an appeal from the Commission to the district court are governed by Rule 1-074 of the Rules of Civil Procedure for the District Courts.

Date: 12/15/2011

FOR THE RESPIRATORY CARE ADVISORY
BOARD OF THE STATE OF NEW MEXICO



Dr. Henry Oh, Chairman