

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

IN THE MATTER OF:

Case No. SW-13-03-10

**KRISTIN LUCY LEMON,
License No. M-07996
Respondent.**

DECISION AND ORDER BASED ON HEARING

THIS MATTER comes before the New Mexico Board of Social Work Examiners (“Board”) on the Notice of Contemplated Action (“NCA”) dated March 20, 2015. Kristin Lucy Lemon (“Respondent”) received the NCA and requested a formal hearing on the matter. An evidentiary hearing was held before the undersigned Hearing Officer on September 21, 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 and revoke Respondent’s license to practice pursuant to Social Work Practice Act (“Act”), NMSA 1978, §§ 61-31-1 through -25. Accordingly, Respondent’s license is REVOKED.

IT IS SO ORDERED.

NEW MEXICO BOARD OF SOCIAL WORK EXAMINERS

/s/ Sandra Turner
Sandra Turner
Hearing Officer

12/18/20
Date

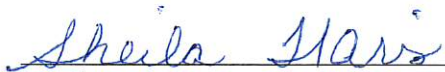
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was sent certified mail 9171 9690
0935 0078 6782 69 to:

Kristin Lucy Lemon
Via email at: kristinlemon@gmail.com
495 Camino Don Miguel
Santa Fe, NM 87505
Respondent

Erin Lecocq, Assistant Attorney General
Via e-mail at: elecocq@nmag.gov
Administrative Prosecutor

Karla J. Soloria, Assistant Attorney General
Via e-mail at: ksoloria@nmag.gov
Counsel for the Board



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

Dated this 18th day of December, 2020.

BEFORE THE NEW MEXICO BOARD OF SOCIAL WORK EXAMINERS

IN THE MATTER OF:

**KRISTIN LUCY LEMON, LMSW
(License No. M-07996),**

Respondent.

Case No.: SW-13-03-10

NOTICE OF CONTEMPLATED ACTION

YOU ARE HEREBY NOTIFIED that the New Mexico Board of Social Work Examiners ("Board") has before it sufficient evidence that, if not rebutted or explained at a formal hearing, will justify the Board in taking action against your license and in imposing such other penalties as may be permitted by law.

The Board has jurisdiction to hear this matter, and to take action to suspend, revoke, or take other action against your license to practice social work, pursuant to the Social Work Practice Act ("Act"), NMSA 1978, §§ 61-31-1 *et seq.*, and the Rules of the Board ("Rules"), 16.63.1 NMAC *et seq.*

The Rules provide:

COOPERATION WITH THE BOARD:

A. A social worker shall give full cooperation and assistance to the board of social work examiners and to its committees, functions and duties with respect to licensing and disciplinary matters. Applicants and licensees shall respond promptly to any matter or inquiry by the board.

B. Failure to cooperate with the board in an investigation as required by 16.63.13 NMAC herein will constitute unprofessional behavior and may result in disciplinary action, including but not limited to suspension, revocation or denial of license, as provided by

the Social Work Practice Act, Sections 61-31-1 through 61-31-25 NMSA 1978, as amended.

16.63.1.13(A)-(B) NMAC.

SOCIAL WORKERS' ETHICAL RESPONSIBILITIES IN PRACTICE SETTINGS:

D. Client records.

(1) Social workers shall take reasonable steps to ensure that documentation is accurate and reflects the services provided.

(2) Social workers shall include sufficient and timely documentation in records to facilitate the delivery of services and to ensure continuity of services provided to clients in the future.

E. Billing. Social workers shall establish and maintain billing practices that accurately reflect the nature and extent of services provided and that identify who provided the service in the practice setting.

16.63.16.10(D)-(E) NMAC.

SOCIAL WORKERS' ETHICAL RESPONSIBILITIES AS PROFESSIONALS:

D. Dishonesty, fraud, and deception. Social workers shall not participate in, condone, or be associated with dishonesty, fraud, or deception.

16.63.16.11(D) NMAC.

NATURE OF EVIDENCE AGAINST RESPONDENT

1. Respondent is licensed as a Licensed Master Social Worker under license number M-07996.

Failure to Cooperate with Board Investigation.

2. On March 21, 2013, the Board received a complaint alleging that Respondent engaged in a variety of misconduct while employed as a social worker at Las Cumbres Community Services. The alleged misconduct included billing for

services not rendered, falsification of records, failure to meet with clients, and failure to maintain records. (See March 12, 2013, Letter by Stacey Frymier and Megan Delano to Board, attached as Exhibit A.)

3. On March 27, 2013, the Board, through its Compliance Liaison, Laura Romero Halama, sent a letter to Respondent asking her to submit a written response to the complaint within ten days. The letter was sent by certified U.S. Mail to the address that Respondent had on file with the Board. (March 27, 2013, Letter from Laura Romero Halama to Kristin Lucy Lemon, attached as Exhibit B.)

4. On June 13, 2013, having not received any response to this letter, Ms. Halama sent a second letter by certified U.S. Mail to Respondent at the address that Respondent had on file with the Board. This second letter again asked Respondent to submit a written response to the complaint within ten days. (June 13, 2013, Letter from Laura Romero Halama to Kristin Lucy Lemon, attached as Exhibit C.)

5. The Board did not receive a response to either of the first two letters that it sent to Respondent. As a result, Savana Simbola, the new compliance liaison for the Board, sent a third letter to Respondent. The third letter was sent via certified U.S. Mail on November 8, 2013 to a second address that Respondent had on file. Ms. Simbola again asked Respondent to submit to the Board a response to the complaint within ten days. Ms. Simbola also attached the first two letters to which Respondent had not replied. Finally, Ms. Simbola warned Respondent that she had a duty to cooperate fully with Board disciplinary matters and that if she

failed to do so, she could be subject to disciplinary action. (November 8, 2013, Letter from Savana Simbola to Kristin Lemon, attached as Exhibit D.)

6. Having received no response to this third letter, on December 18, 2013, Ms. Simbola sent an email to Respondent asking whether the address to which the third letter was sent was Respondent's correct address. Respondent replied to the email the next day, confirming that the Board had sent the letter to Respondent's correct address and that she was receiving other mail at that address. (Email thread between Kristin Lemon and Savana Simbola, attached as Exhibit E.)

7. Having still not received a response to the first three letters sent to Respondent, Ms. Simbola sent a fourth letter to Respondent. The fourth letter, mailed on December 23, 2013, was sent by certified U.S. mail to the address Respondent had confirmed was her correct mailing address. The letter once again asked Respondent to submit to the Board a response to the complaint within ten days. The fourth letter also attached all three previous letters and again warned Respondent that she had a duty to cooperate fully with Board disciplinary matters and that if she failed to do so, she could be subject to disciplinary action. (December 23, 2013, Letter from Savana Simbola to Kristin Lemon, attached as Exhibit F.)

8. To this date, the Board has not received a response by Respondent to the complaint against her or to any of these letters.

9. This failure to cooperate with the Board's disciplinary investigation constitutes unprofessional behavior and a violation of the Board's Rules.

Fraudulent Billing and Record Keeping, and Failure to Maintain Client Records.

10. From July 16, 2012 until January 30, 2013, Respondent was employed by Las Cumbres Community Services (“Las Cumbres”) as a social worker.

11. Las Cumbres received complaints from several families whom Respondent was serving. These families reported that Respondent’s contact with them was irregular or nonexistent.

12. As a result of these complaints, Las Cumbres began an internal audit of Respondent’s client files and spoke with some of Respondent’s client families. During this investigation, Las Cumbres found evidence of fraudulent billing and timekeeping. In particular, Las Cumbres found that Respondent had written notes and submitted billing for client visits that did not occur and that Respondent reported client cancellations and no-shows where the client had not been contacted by Respondent.

13. Las Cumbres also found that Respondent’s client files were largely incomplete or missing entirely. Essential documents were missing in Respondent’s files, including consent-for-treatment forms, psychosocial assessments, treatment plans, and progress notes.

14. Respondent’s failure to maintain accurate and complete client records occurred despite regular requests and counseling by her supervisors at Las Cumbres.

15. Respondent's history of fraudulent billing and timekeeping, and her failure to keep adequate client records constitutes a violation of the ethical responsibilities of social workers set forth in the Board's Rules.

RESPONDENT'S RIGHT TO A HEARING

The hearing, if requested, will be conducted in accordance with the Uniform Licensing Act ("ULA"). The ULA provides as follows regarding a licensee's opportunity for a hearing:

Every licensee or applicant shall be afforded notice and an opportunity to be heard, before the board has authority to take any action, which would result in:

- A. denial of permission to take an examination for licensing for which application has been properly made as required by board rule;
- B. denial of a license after examination for any cause other than failure to pass an examination;
- C. denial of a license for which application has been properly made as required by board rule on the basis of reciprocity or endorsement or acceptance of a national certificate of qualification;
- D. withholding the renewal of a license for any cause other than:
 - (1) failure to pay the required renewal fee;
 - (2) failure to meet continuing education requirements;
 - or
 - (3) issuance of a temporary license extension if authorized by statute;
- E. suspension of license;
- F. revocation of a license;
- G. restrictions or limitations on the scope of a practice;
- H. the requirement that the applicant complete a program of remedial education or treatment;
- I. monitoring of the practice by a supervisor approved by the board;
- J. the censure or reprimand of the licensee or applicant;
- K. compliance with conditions of probation or suspension for a specific period of time;

- L. payment of a fine for a violation not to exceed one thousand dollars (\$1,000) for each violation, unless a greater amount is provided by law;
- M. corrective action, as specified by the board; or
- N. a refund to the consumer of fees that were billed to and collected from the consumer by the licensee.

NMSA 1978, § 61-1-3.

The ULA further provides as follows regarding the rights of persons entitled to a hearing:

- A. A person entitled to be heard under the Uniform Licensing Act [61-1-1 to 61-1-31 NMSA 1978] 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 days after the mailing or delivery of the request. No request shall be made less than fifteen days before the hearing.

- 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.

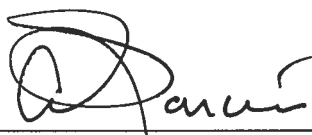
NMSA 1978, § 61-1-8.

CONCLUSION

The evidence before the Board, summarized above, if not rebutted or explained at a formal hearing, is sufficient to justify the Board suspending, revoking, or taking other action against your license and imposition of such other penalties as may be permitted by law. **The Board will take the contemplated action unless, within twenty (20) days after service of this Notice, the Respondent requests a formal hearing by certified mail return receipt requested. Such a request for a formal hearing should be mailed to Vanessa Montoya, Compliance Liaison; New Mexico Board of Social Work Examiners; 2550 Cerrillos Road; Santa Fe, NM 87505.**

3/20/15

Date



Alfredo Garcia, LISW, Chair
New Mexico Board of Social Work Examiners
Regulation and Licensing Department

Administrative Prosecutor:

Nicholas M. Sydow
Assistant Attorney General
111 Lomas Blvd. NW, Suite 300
Albuquerque, NM 87102
Tel.: (505) 222-9088
Fax: (505) 222-9086

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Notice of Contemplated Action was mailed to the Respondent, Kristin Lucy Lemon, on this 20th day of March, 2015, via certified mail return receipt requested.

Handwritten signature of Vanessa Montoya in black ink, written over a horizontal line. To the right of the signature, the word "(for)" is written in parentheses.

Vanessa Montoya, Compliance Liaison
New Mexico Board Social Work Examiners
Regulation and Licensing Department
2550 Cerrillos Road
Santa Fe, NM 87505
(505) 476-4643