

**BEFORE THE NEW MEXICO
BOARD OF SPEECH LANGUAGE PATHOLOGY,
AUDIOLOGY & HEARING AID DISPENDING PRACTICES**

**IN THE MATTER OF
KATHLEEN WEIDNER,
License No. 2623**

Respondent.

Board Case No. AUD-10-11-30

WAIVER OF HEARING AND CONSENT TO DISCIPLINE

I, Kathleen Weidner (“Respondent”), accept and agree to the proposal of the New Mexico Board of Speech Language Pathology, Audiology & Hearing Aid Dispensing Practices (“Board”) to settle this matter before issuance of a Notice of Contemplated Action (“NCA”) under the Uniform Licensing Act, NMSA 1978, Section 61-1-1 et seq., (“ULA”). As such, I waive my right to an NCA and hearing under the ULA, and further consent to discipline on the following terms/conditions:

1. This agreement is subject to Board approval and upon approval is binding on the Board and the Respondent. In the event the Board does not approve this agreement, the Board may issue NCAs as appropriate, Respondent reserves all rights under the ULA, and Respondent’s proposed admissions contained in this agreement cannot be considered by the Board or used against Respondent in a hearing of these complaints.

2. 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.

3. Respondent acknowledges that she is familiar with the complaint.

4. Respondent acknowledges that the complaint is a public record within the meaning of the Inspection of Public Records Act, NMSA 1978, § 14-2-6 (E) (1993).

5. Respondent understands that her rights with respect to the complaint include the right to a NCA, 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 ULA.

6. Respondent waives all her rights to a NCA and a hearing under the ULA

7. Respondent acknowledges that the Board received a complaint from Nancy Buchinsky alleging that Respondent failed to provide a receipt with Respondent's license number and signature and failed to provide information about the length of the trial period, return policy, and non-refundable restocking fee. Such failures constitute an ethical violation under Rule 16.26.9.8(I) NMAC (06/07/10) and violation of the New Mexico Speech-Language Pathology and Hearing Aid Dispensing Practices Act ("Practices Act"), NMSA 1978, § 61-14B-21(10) (1996).

8. For the purposes of resolving this complaints without the expense and uncertainty of further proceedings, Respondent does not contest, and gives up any right to contest, that the allegations contained in the complaint form a factual basis to impose discipline under the ULA and the Practices Act.

9. **Respondent and the Board agree to the following terms of discipline:**

a. *Respondent must retake and successfully pass the Jurisprudence Examination within ninety (90) days of the Board's approval of this agreement.*

b. *Respondent shall pay a civil fine of \$300 to the Board within ninety (90) days of Board approval of this agreement.*

10. Respondent fully and completely understands that the proposed discipline is a "disciplinary action." Respondent acknowledges that this disciplinary action is reported to the National Practitioners Data Bank (NPDB) and may be reported to the Healthcare Integrity & Protection Data Bank (HIPDB).

11. The complaint, Respondent's written response to the complaint, and this Waiver and Consent to Discipline are public records within the meaning of the Inspection of Public Records Act, NMSA 1978, § 14-2-6 (E) (1993).

12. 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.

13. 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 and take the actions prescribed therein.


14. This Waiver and Consent to Discipline is a settlement of the Board case number articulated above and only the specific allegation made in that case.

15. Respondent understands and acknowledges that she has a right, at her own expense, to consult with an attorney of her own choosing about this proposed settlement before agreeing to accept this proposed settlement.

16. Respondent understands that the entire terms of settlement are contained in this document, and no other promises or representations exist outside of the terms of this document.

17. Respondent 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:


Respondent Kathleen Weidner NM2623 3/19/2012
License No Date

Prepared by Board Prosecutor, as directed in Board's referral of the matter:


Brian VanDenzen, Assistant Attorney General 2/17/2012
Date

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ORDER

This matter comes before the Board upon the pre-NCA Waiver and Consent to Discipline.

With a quorum present and a majority voting, this pre-NCA Waiver and Consent to Discipline is:

Accepted
 Rejected

If accepted, the terms of the pre-NCA Waiver and Consent to Discipline are fully adopted and incorporated by this Order, and are fully binding on the parties.

6/11/12
DATE

Keith, Robert Wesley Miller, Chairperson
Board of Speech Language Pathology, Audiology &
Hearing Aid Dispensing Practices