

**STATE OF NEW MEXICO
PHYSICAL THERAPY BOARD**

IN THE MATTER OF:

**JAMES WALKER LITCHFIELD
AKA WALKER LITCHFIELD,
License No. PTA0603 (expired),**

Case No. PT-18-5-COM

Respondent.

DEFAULT ORDER OF REVOCATION

THIS MATTER came before a quorum of the New Mexico Physical Therapy Board (“Board”) on July 22, 2020 in a virtual meeting utilizing Cisco Webex, (hosted in Santa Fe, New Mexico) based on a complaint filed with the Board alleging that James Walker Litchfield AKA Walker Litchfield (“Respondent”) violated the Physical Therapy Act, NMSA 1978, §§ 61-12D-1 through -29 (1997, as amended 2015). Respondent did not request a hearing and the matter was presented to the Board as a default action. Upon review of the matter, a majority of the Board voted to revoke Respondent’s license¹. Pursuant to the Act, and the Uniform Licensing Act (“ULA”), NMSA 1978, §§ 61-1-1 through -34 (1957, as amended through 2017), the Board finds:

1. Respondent is licensed as a physical therapy assistant and is therefore subject to the jurisdiction and discipline of the Board.
2. The Board voted to issue a Notice of Contemplated Action (“NCA”) against the Respondent stating that the Board had sufficient evidence to justify revoking or taking other disciplinary action against Respondent’s license based on alleged violations of

¹ Respondent was licensed as a physical therapy assistant during the acts in question, the filing of the complaint, and during the Board’s investigation that resulted in the Notice of Contemplated Action that was mailed to Respondent on May 28, 2019.

the Act.

3. On May 28, 2019 in accordance with the ULA, Section 61-1-5, the Board sent Respondent, a NCA in the above-referenced case via the United States Postal Service via Certified Mail with Return Receipts requested to his last known addresses: Article No. 9171969009350155253532, P.O. Box 3140, Roswell, NM 88202; and Article No. 9171969009350155253549, 702 Swinging Spear Road, Roswell, NM 88201.
4. The NCA alleged that Respondent worked as a physical therapist assistant at a facility operated by Reliant Rehabilitation (“RELIANT”) called Sunset Villa in Albuquerque in early 2017 and during his employment, RELIANT provided information demonstrating Respondent engaged in practices that were misleading, deceptive, untrue or fraudulent representations in the practice of physical therapy as follows:
 - a. Respondent inaccurately recorded the amount of time for physical therapy services provided at RELIANT to its patients, at times recording more time for physical therapy services that were not delivered as well as recording time for physical therapy services that were not provided to patients, and specifically to Patient W. This behavior is contrary to NMSA 1978 § 61-12D-13(E), (L), (N) and (R); and NMAC Code of Ethics Rules 16.20.1.14(A), (B), (D) and (E).
 - b. Respondent improperly created billing and treatment notes before providing physical therapy services to patients at RELIANT, including stating physical therapy services were provided where none were performed, which is contrary to NMSA 1978 § 61-12D-13(E), (L) and (N); and NMAC Code of Ethics Rules 16.20.1.14(A), (B), (D) and (E).

5. In addition, the NCA alleged that Respondent failed to provide specific information or even to address the allegations presented in the complaint filed with the Board in response to the Board's letters and investigative subpoena, aside from a brief mention of Patient W, as described above, Respondent interfered with and/or refused to cooperate in an investigation or disciplinary proceeding of the Board, contrary to NMSA 1978, § 61-12D-13(R).
6. The NCA stated that, unless explained or rebutted at a formal hearing, the alleged conduct justified the Board in taking disciplinary action, including suspending or revoking Respondent's license.
7. On July 21, 2020, the Board received the USPS Return Receipt indicating that an agent received Article No. 70191120000110810299 containing the NCA at Respondent's last known address.
8. All licensees are required to maintain a current address with the Board, and pursuant to the ULA, notice "shall be deemed to have been served on the date borne by the return receipt showing delivery or the last attempted delivery of the notice." NMSA 1978, § 61-1-5.
9. The ULA provides if a licensee "does not mail a request for a hearing within the time and the manner required by this section, the board may take the action contemplated in the notice and such action shall be final and not subject to judicial review." NMSA 1978, § 61-1-4(E).
10. Respondent failed to request a hearing within the time and manner prescribed by the NCA. Moreover, Respondent has not communicated nor offered any evidence to the Board or its staff which would rebut or explain the charges alleged in the NCA.

IT IS THEREFORE ORDERED, ADJUDGED and DECREED that:

- A. The Board has jurisdiction over Respondent, Respondent's license, and the subject matter of this proceeding pursuant to the Act and the ULA.
- B. In accordance with Sections 61-1-4 and -5 of the ULA, Respondent was deemed to be served with the NCA on the date of delivery.
- C. The Board has complied with all notice and other procedural requirements of the Act and the ULA.
- D. The Board is proceeding to take the action contemplated in the NCA and such action shall be final and not subject to judicial review, as provided by § 61-1-4 of the ULA.
- E. Having reviewed the matter, the Board finds there is sufficient evidence to justify taking disciplinary action against Respondent as contemplated in the NCA.
- F. The Board finds by a preponderance of the evidence that Respondent violated NMSA 1978 § 61-12D-13(E), (L), (N), and (R) and NMAC Code of Ethics Rules 16.20.1.14(A), (B), (D) and (E) by inaccurately recording the amount of time for physical therapy services provided at RELIANT to its patients, and specifically to Patient W; and by improperly created billing and treatment notes before providing physical therapy services to patients at RELIANT, including stating physical therapy services were provided where none were performed. These acts are misleading, deceptive, untrue or fraudulent representations in the practice of physical therapy.
- G. Respondent's physical therapy assistant's license is hereby **revoked**.
- H. This Order is considered disciplinary action and will be included in Respondent's licensing file and is a public record open to inspection by the public.
- I. Failure to comply with the terms of this Order will result in further Board action as

permitted by law. If Respondent's non-compliance constitute acts that are prohibited under the Board's statute or rules, the Board may also initiate a new disciplinary action and refer that matter for administrative prosecution.

So ordered on this 18 day of ~~August~~^{September}, 2020.

**NEW MEXICO
PHYSICAL THERAPY BOARD**



Robert Pattillo, CHAIR

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **Order** was sent via the United States Postal Service Certified Mail with a Return Receipt requested on ~~August~~ ^{September} 18, 2020 to:

James Walker Litchfield
P.O. Box 3140
Roswell, NM 88202

Article No. 9171 9690 0935 0078 678542

James Walker Litchfield
702 Swinging Spear Road
Roswell, NM 88201

Article No. 9171 9690 0935 0078 678559

Sheila Davis
New Mexico Board of Physical Therapy
2550 Cerrillos Road, Second Floor
Santa Fe, NM 87505

Mailing Address
P.O. Box 25101
Santa Fe, NM 87504

James Walker Litchfield
PO Box 3140
Rosell, NM 88202
PT-18-5-COM

9171 9690 0935 0078 6785 42

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