

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

IN THE MATTER OF:

Case No. SW-2024-00112-COM

Daniel Hurtado
License No. M-11675

Respondent.

STIPULATION AND SETTLEMENT AGREEMENT

WHEREAS the Social Work Examiners Board has evidence that Daniel Hurtado (hereafter, "Respondent") violated the the Social Work Examiners Practice Act, NMSA 1978, § 61-31-1 *et seq* and/or the rules promulgated pursuant thereto (collectively the "Act"); and

WHEREAS Respondent is subject to the Social Work Examiners Board jurisdiction; and

WHEREAS the Social Work Examiners Board voted in a duly noticed public meeting to issue a Notice of Contemplated Action (NCA) against Respondent, which would initiate an administrative prosecution (AP); and

WHEREAS the Social Work Examiners Board voted in a duly noticed public meeting to defer referring disciplinary matters against Respondent to an administrative prosecutor for preparation of an NCA pending Respondent's acceptance or rejection of an offer of settlement; and

WHEREAS Respondent wishes to accept the offer of settlement proposed below and resolve this matter before the Social Work Examiners Board issues an NCA; and

WHEREAS the Social Work Examiners Board believes a settlement with Respondent would be in the best interest of the parties and the State of New Mexico; and

WHEREAS Respondent is willing to resolve this matter without the need for, and time and expense of, a formal hearing that may occur if this matter is not settled;

THEREFORE, IT IS AGREED AS FOLLOWS:

1. **Jurisdiction:** Respondent is subject to the Act and to the jurisdiction of the Social Work Examiners Board.
2. **Voluntary Agreement:** Respondent enters into this Agreement knowingly and voluntarily, without duress or coercion, and after a full opportunity to consult an attorney. Respondent understands that the Social Work Examiners Board voted to approve issuing an NCA. NCA proceedings have been stayed pending negotiation with the Social Work Examiners Board staff.

3. **Approval:** This Agreement shall be effective the date that it is signed by the Respondent.
4. **Waivers:** If Respondent accepts this Agreement, Respondent waives any and all rights under the Uniform Licensing Act, NMSA 1978, Sections 61-1-1 through -34 (1957, as amended), including but not limited to the right to an evidentiary hearing, the right to discovery, the right to present evidence, the right to call and cross examine witnesses, and the right to judicial review.

5. **Misconduct:** Respondent stipulates that he engaged in these Acts:

Respondent had an intimate relationship with patient while she was vulnerable. (please elaborate)

6. **Violations:** Respondent stipulates that by committing the Acts, he violated these laws:

- 16.63.16.12 A (1) NMAC: Integrity of the profession - Social workers shall work toward the maintenance and promotion of high standards of practice.
- 16.63.16.12 A (2) NMAC: Integrity of the profession - Social workers shall uphold and advance the values, ethics, knowledge, and mission of the profession. Social workers shall protect, enhance, and improve the integrity of the profession through appropriate study and research, active discussion, and responsible criticism of the profession.
- 16.63.16.8 J (1) NMAC: Social workers shall under no circumstances engage in sexual activities or sexual contact with current clients, whether such contact is consensual or forced.
- 16.63.16.8 J (2) NMAC: Social workers shall not engage in sexual activities or sexual contact with clients' relatives or other individuals with whom clients maintain a close personal relationship when there is a risk of exploitation or potential harm to the client. Sexual activity or sexual contact with clients' relatives or other individuals with whom clients maintain a personal relationship has the potential to be harmful to the client and may make it difficult for the social worker and client to maintain appropriate professional boundaries. Social workers--not their clients, their clients' relatives, or other individuals with whom the client maintains a personal relationship--assume the full burden for setting clear, appropriate, and culturally sensitive boundaries.
- 16.63.16.8 L NMAC: Sexual harassment. Social workers shall not sexually harass clients. Sexual harassment includes sexual advances, sexual solicitation, requests for sexual favors, and other verbal or physical conduct of a sexual nature.


7. **Penalty:** Respondent stipulates that the foregoing Violation(s) would authorize the Social Work Examiners Board to impose a fine or issue a Notice of Contemplated Action that may result in the suspension or revocation of licensure.
8. **Sanctions:** Respondent stipulates agrees to the following disciplinary sanctions:
If there is not a signed executed agreement within 10 days of receipt, the case will automatically be referred to the Department of Justice for the issuance of a Notice of Contemplated Action.
9. **Abeyance:** Imposition of the Sanctions shall be stayed pending a six months period of abeyance, which shall begin upon the effective date of this Agreement. The Social Work Examiners Board shall waive and not enforce the Sanctions if Respondent complies with these terms of Abeyance.
- a. **Continuing Education:** Respondent shall successfully complete the continuing education course(s) listed below. Respondent shall obtain prior written approval (email confirmation of such approval is sufficient) for the course(s) from the Board's compliance staff or designee before taking any course. The course(s) shall not be credited toward any other continuing education requirements for Respondent's licensure and Respondent is responsible for any associated costs. Respondent shall submit evidence of the successful completion of any course within six months from the effective date of this Agreement. The required courses are:
- Nine hours minimum-Ethics and Boundaries.
- b. **Compliance:** Respondent shall not violate any statute, rule or regulation within the purview of the Social Work Examiners Board during the period of Abeyance.
10. **Reportable Discipline:** Respondent understands that this Agreement constitutes formal disciplinary action by the Board. The Social Work Examiners Board will report the action to:
- The National Practitioner Data Bank
11. **Non-Compliance:** Respondent understands and agrees that failure to comply with the Abeyance terms may result in further Social Work Examiners Board action. Any violation of an Abeyance term may result in the issuance of an Order to Show Cause for non-compliance with this Agreement requested by the Social Work Examiners Board staff or issued by the Social Work Examiners Board on its own motion. After issuing and effecting service of an Order to Show Cause, the matter shall be scheduled for a hearing by the Board, which shall occur at least 20 days after service of the Order. At the hearing, the Social Work Examiners Board shall hear from Respondent and the Social Work Examiners Board staff regarding the alleged non-compliance. Respondent shall have the opportunity to address the allegations or offer any other relevant

argument or evidence regarding the reasons for non-compliance. Such argument or evidence may be provided in writing prior to the meeting or in person at the Social Work Examiners Board meeting. Any presentation regarding the Order to Show Cause shall be limited to evidence surrounding Respondent's alleged failure to comply with the Abeyance terms. Upon finding such non-compliance, and without issuing a new NCA, the Social Work Examiners Board may either (A) establish new Abeyance terms, (B) impose the Sanctions and set associated deadlines, or (C) impose alternative sanctions that are less severe than the agreed Sanctions. If Respondent's non-compliance constitutes an act(s) prohibited under any law within the purview of the Board, the Social Work Examiners Board may also initiate a new NCA and refer that matter for administrative prosecution, subject to the laws governing such proceedings.

12. **Contact Information:** Respondent shall notify the Social Work Examiners Board within ten (10) calendar days if there is a change in any contact information specified in this Order during the term of Abeyance.
13. **Public Record:** This Agreement is a public record and may be provided for inspection if requested, pursuant to the New Mexico Inspection of Public Records Act ("IPRA"), NMSA 1978, Sections 14-2-1 to -12 (1947, as amended). The Social Work Examiners Board may also publish this Agreement or a summary of its terms to the public, which may include posting to the Board's website.
14. **Full Compliance and Final Disposition:** Unless the Social Work Examiners Board staff asks the Social Work Examiners Board to issue an Order to Show cause within 60 days of the expiration of the period of abeyance, Respondent shall be deemed to have successfully completed abeyance terms. At such time, the Social Work Examiners Board shall have no authority to issue an Order to Show Cause relating to Respondent's compliance with this Agreement, this case will be deemed closed for administrative purposes without the filing of an order or official vote of the Board, and all of Respondent's rights under law shall be restored. However, this matter may still constitute disciplinary action as provided herein for purposes of Respondent's record with the Board.

I understand and have read this document and hereby agree to the terms of this Agreement freely and voluntarily. I understand that by entering into this Agreement I am giving up my rights under the Uniform Licensing Act, including my right to an evidentiary hearing on the merits of the alleged violations.

I understand that I am required to comply with the terms stated in this Agreement, and that failure to comply with those terms may subject me to further discipline as stated herein.



Daniel Hurtado, Respondent
943 W. Stowell
Santa Maria, CA 93458

8/27/2024

Date

Respondent's Attorney

Date

APPROVAL

Having come before the Social Work Examiners Board during a properly scheduled public meeting, with a quorum present and majority voting in the affirmative, the Social Work Examiners Board approves this Agreement.

/s/ John Tourangeau
John Tourangeau, Chair

12/27/2024
Date