

**BEFORE THE BOARD OF PHYSICAL THERAPY
FOR THE STATE NEW MEXICO**

IN THE MATTER OF:

**Kemis Enright,
License No. PTA1898**

Case Nos. PT-23-04-COM

Respondent.

DEFAULT ORDER

THIS MATTER came before the New Mexico Board of Physical Therapy(hereinafter, “Board”) during its regularly scheduled meeting on August 27, 2024, held at 5500 San Antonio Dr, Albuquerque, NM 87109, for a decision in the above-referenced case. With a quorum present and with a unanimous vote in the affirmative, the Board voted to render this decision and order.

FINDINGS OF FACT

1. On or about June 25, 2024 the Board issued a Notice of Contemplated Action (“NCA”) to Kemis Enright (“Respondent”). The NCA stated that the Board had sufficient evidence to impose discipline on Respondent, pursuant to NMSA 1978, Section 61-1-1 to -37 and the Physical Therapy Act.

2. The NCA stated that Respondent’s alleged conduct, unless explained or rebutted at a formal hearing, justified the Board in imposing an administrative discipline as allowed by law.

3. The NCA further informed Respondent that, if they would like the opportunity for a formal hearing in this matter they must request “a hearing within twenty (20) days after

service of this notice . . . [A] written request for hearing should be sent to the following address:

Hope Rodriguez, compliance Liaison
New Mexico Board of Barbers & Cosmetology
New Mexico Regulation and Licensing Department
P.O. Box 25101
Santa Fe, NM 87504

4. On or about July 8, 2024, the U. S. Postal Service (“USPS”) received an envelope containing the NCA that was addressed to the Respondent’s last known address as shown in the Board’s records, via certified mail, return receipt requested (No. 7019 1640 0000 7891 1808). The USPS records reflect that the NCA was refused.

5. Respondent did not request a hearing within twenty (20) days of service of, the last attempted delivery of, or Respondent’s refusal to accept delivery of, the NCA as contemplated by Sections 61-1-4(D)(3) (2003) and 61-1-5 (1957) of the Uniform Licensing Act, NMSA 1978, Sections 61-1-1 to -34 (1957, as amended through 2013) (“ULA”).

6. Respondent failed to otherwise respond to the NCA.

CONCLUSIONS OF LAW

Based on the Findings of Fact, the Board reaches the following Conclusions of Law:

1. The Board has jurisdiction over Respondent and the subject matter of this proceeding pursuant to the ULA.

2. When served by certified mail, the NCA is deemed to have been served on the date borne by the return receipt showing delivery or the last attempted delivery of the NCA to the addressee or refusal of the addressee to accept delivery of the NCA. NMSA 1978, Section 61-1-5.

3. Service of the NCA upon Respondent via certified mail was accomplished in accordance with Sections 61-1-4 and 61-1-5 of the ULA.

4. The Board may take the action contemplated in the NCA if the Respondent does not deposit in the mail a certified return receipt requested letter addressed to the Board containing a request for a hearing within twenty (20) days after service of the NCA. NMSA 1978, Sections 61-1-4(D)(3) and (E).

5. More than twenty (20) days have passed since Respondent was served, or is deemed to have been served, with the NCA and Respondent has failed to request a hearing. Thus, the Board is authorized to take the action contemplated in the NCA pursuant to Section 61-1-4(E) of the ULA.

6. The Board has complied with all notice and other procedural requirements of the ULA.

7. The Board has evidence to show the Respondent violated the ULA and the Physical Therapy Act after an investigation showed unethical behavior toward patients.

8. The Board's Decision and Order in this matter is final and is not subject to judicial review. NMSA 1978, Section 61-1-4(E).

ORDER

Based on the above Findings of Fact and Conclusions of Law, the Board renders this Order.

IT IS THEREFORE ORDERED that Respondents shall cease operation as a Physical Therapy Assistant until the Respondent completes 30-hours of Continuing education to show competence in patient care. Further the Respondent shall pay a fine of \$1,000.00 within

30 days of receipt of the Default Order. If the Respondent fails to comply with this order the license will be suspended until full compliance is met.

The fine should be paid online through the Boards licensing portal NM Plus, by following the instructions below.

Visit <https://nmrldlpi.force.com/bcd/s> and log-into your account.

1. At the top of the screen select “Regulatory Fee’s”
2. Select “Pay” on the Disciplinary Action you would like to pay
3. Insert your payment information and select submit.

IT IS FURTHER ORDERED that this Decision and Order shall be served upon Respondent in accordance with Section 61-1-5 of the ULA. Board president is designated to sign this Decision and Order on behalf of the Board.

IT IS SO ORDERED

Entered: December 6, 2024

**NEW MEXICO BOARD OF BARBERS &
COSMETOLOGY**

/s/ Bettina Brown

Bettina Brown, Chair
New Mexico Board of Barbers & Cosmetology

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document and attachments were sent via certified mail, return receipt requested, to Respondent at their last known address on this 6th day of December 2024.

Kemis Enright
1379 Challenger Ave
Alamogordo, NM 88310

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/s/ Hope Rodriguez

Hope Rodriguez
Senior Compliance Liaison
New Mexico Board of Physical Therapy