



Citation and Notification of Penalty

To:
Luna Del Valle Hospice
AND ITS SUCCESSORS
4273 Montgomery Boulevard Northeast, Suite K 110
Albuquerque, NM 87109

Inspection Number: 1814837
Inspection Date(s): 04/01/2025-04/01/2025
Issuance Date: 04/11/2025

Inspection Site:
4273 Montgomery Boulevard Northeast, Suite K 110
Albuquerque, NM 87109

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you mail a notice of contest to the Environment Department, Occupational Health and Safety Bureau at the address shown above. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting-The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer. The penalty dollar amounts need not be posted and may be marked out or covered up prior to posting.

Informal Conference- An informal conference is not required. However, at the request of an employer, affected employee, or representative of employees, the Bureau Chief or the Bureau Chiefs designee may hold an informal conference. At this conference any issues raised by an inspection, citation, proposed penalty, proposed petition for modification of abatement date or proposed petition for variance may be discussed. If you intend to request an informal conference, take care to schedule it early enough to allow time to contest after the informal conference discussion, should you decide to do so.

When the conference is requested by an employer, an affected employee or representative shall be afforded an opportunity to participate, at the discretion of the Bureau Chief or Bureau Chiefs designee. When the conference is requested by an employee or representative of employees, the employer shall be afforded an opportunity to participate, at the discretion of the Bureau Chief or Bureau Chiefs designee.

The request for an informal conference and the informal conference meeting shall not extend or modify in any manner:

- 1) an abatement date established in the citation;
- 2) the deadline for an employer to file a notice of contest;
- 3) any other filing deadline related to the citation; or
- 4) any matter pending before the bureau.

Once an employer files a notice of contest, a petition for modification of the abatement date, a request for a commission hearing, a petition for variance, or other filing with the Occupational Health and Safety Review Commission or the Environment Department, the opportunity for an informal conference is no longer available.

Right to Contest- You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. Unless you inform the Bureau Chief in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency. It is recommended that the Notice of Contest be filed via "Certified Mail".

Penalty Payment- Penalties are due within 15 working days of receipt of this notification unless contested. Make your check or money order payable to the Environment Department, Occupational Health and Safety Bureau. Please indicate the Inspection Number on the remittance.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

Notification of Corrective Action - For violations which you do not contest, you should notify the Occupational Health and Safety Bureau (OHSB) that each cited violation has been abated. To certify abatement, you should complete the "Description of Corrective Action Taken" box which follows each citation and sign the statement on the last citation page. You are not required to certify abatement if the compliance officer observed that abatement has occurred during the on-site inspection. The citation may indicate that you should submit additional documentation such as photographs, purchase orders, copies of written programs, etc. Failure to return all completed forms and documents to the Program Manager no later than 10 days after the abatement date may result in additional penalties.

You are also required to inform your employees about abatement activities by posting a copy of each document submitted to OHSB or a summary of the document near the place where the violation occurred. Documents must remain posted for 3 working days after submission to OHSB.

Employer Discrimination Unlawful- The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the Environment Department, Occupational Health and Safety Bureau at the address shown above.

Notice to Employees - The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to the Environment Department, Occupational Health and Safety Bureau at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Please note that your facility will appear on the Department's Enforcement Watch as a result of this Citation and Notification of Penalty (see: <https://www.env.nm.gov/enforcement-watch/>) Further, the Department will issue a press release to local media highlighting your facility as appearing on this webpage. Your facility will remain on the Enforcement Watch website as an active matter until this matter is fully resolved, including the payment of the assessed civil penalty.

State of New Mexico
Environment Department
Occupational Health and Safety Bureau



525 Camino de los Marquez, Suite 3
Santa Fe, NM 87505
Phone: (505) 476-8700 Fax: (505) 476-8734

Inspection #: 1814837
Inspection Date(s): 04/01/2025-04/01/2025
Issuance Date: 04/11/2025

Citation and Notification of Penalty

Company Name: Luna Del Valle Hospice

Inspection Site: 4273 Montgomery Boulevard Northeast, Suite K 110 Albuquerque, NM 87109

Citation 1 Item 1 a Type of Violation: **Serious**

11.5.2.9 NMAC

29 CFR 1910.134(e)(1): General. The employer shall provide a medical evaluation to determine the employee's ability to use a respirator before the employee is fit tested or required to use the respirator in the workplace. The employer may discontinue an employee's medical evaluations when the employee is no longer required to use a respirator.

On or about April 1, 2025, Luna Del Valle Hospice did not provide medical evaluations to its employees before giving them their NIOSH-approved N95 respirators. Employees were exposed to the hazards of wearing a respirator.

PROOF OF ABATEMENT:

Date Corrected:

Describe Corrective Action:

Date By Which Violation Must be Abated:
Proposed Penalty:

May 07, 2025
\$9,849.00

State of New Mexico
Environment Department
Occupational Health and Safety Bureau



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Company Name: Luna Del Valle Hospice

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Citation 1 Item 1 b Type of Violation: **Serious**

11.5.2.9 NMAC

29 CFR 1910.134(f)(1): The employer shall ensure that employees using a tight-fitting facepiece respirator pass an appropriate qualitative fit test (QLFT) or quantitative fit test (QNFT) as stated in this paragraph.

On or about April 1, 2025, Luna Del Valle Hospice did not ensure that its employees received and passed an appropriate fit test for the NIOSH-approved N95 respirator their employer provided. Employees were exposed to the hazards of airborne respiratory illnesses.

PROOF OF ABATEMENT:

Date Corrected:

Describe Corrective Action:

Date By Which Violation Must be Abated:

May 07, 2025

Proposed Penalty:

\$0.00

State of New Mexico
Environment Department
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Company Name: Luna Del Valle Hospice

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Citation 2 Item 1 Type of Violation: **Other-than-Serious**

11.5.2.9 NMAC

29 CFR 1910.37(b)(6): Each exit sign must be illuminated to a surface value of at least five foot-candles (54 lux) by a reliable light source and be distinctive in color. Self-luminous or electroluminescent signs that have a minimum luminance surface value of at least .06 footlamberts (0.21 cd/m²) are permitted.

On or about April 1, 2025, Luna Del Valle Hospice placed paper exit signs over doorways instead of illuminated or self-luminous signs. This exposed employees to the potential for entrapment and increased risk of injury in case of an emergency.

PROOF OF ABATEMENT:

Date Corrected:

Describe Corrective Action:

Date By Which Violation Must be Abated:
Proposed Penalty:

May 07, 2025
\$0.00

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Citation 2 Item 2 a Type of Violation: **Other-than-Serious**

11.5.2.9 NMAC

29 CFR 1910.157(c)(1): The employer shall provide portable fire extinguishers and shall mount, locate, and identify them so that they are readily accessible to employees without subjecting the employees to possible injury.

On or about April 1, 2025, Luna Del Valle Hospice had a fire extinguisher hidden behind a cabinet under the kitchen sink, not visibly mounted on the wall, exposing employees to possible injury.

PROOF OF ABATEMENT:

Date Corrected:

Describe Corrective Action:

Date By Which Violation Must be Abated:

May 07, 2025

Proposed Penalty:

\$0.00

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Citation 2 Item 2 b Type of Violation: **Other-than-Serious**

11.5.2.9 NMAC

29 CFR 1910.157(e)(2): Portable extinguishers or hose used in lieu thereof under paragraph (d)(3) of this section shall be visually inspected monthly.

On or about April 1, 2025, Luna Del Valle Hospice did not have their fire extinguisher visually inspected monthly, exposing employees to possible injury.

PROOF OF ABATEMENT:

Date Corrected:

Describe Corrective Action:

Date By Which Violation Must be Abated:

May 07, 2025

Proposed Penalty:

\$0.00

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Citation 2 Item 2 c Type of Violation: **Other-than-Serious**

11.5.2.9 NMAC

29 CFR 1910.157(e)(3): The employer shall ensure that portable fire extinguishers are subjected to an annual maintenance check. Stored pressure extinguishers do not require an internal examination. The employer shall record the annual maintenance date and retain this record for one year after the last entry or the life of the shell, whichever is less. The record shall be available to the Assistant Secretary upon request.

On or about April 1, 2025, Luna Del Valle Hospice did not have its fire extinguisher inspected annually, exposing employees to possible injury. The last check on the fire extinguisher was in 2023.

PROOF OF ABATEMENT:

Date Corrected:

Describe Corrective Action:

Date By Which Violation Must be Abated:

May 07, 2025

Proposed Penalty:

\$0.00

I attest that all corrective actions contained in this document are accurate and affected employees have been informed of the abatement.

Signature

Date

State of New Mexico
Environment Department
Occupational Health and Safety Bureau
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INVOICE

Company Name: Luna Del Valle Hospice

Inspection Site: 4273 Montgomery Boulevard Northeast, Suite K 110 Albuquerque, NM 87109

Issuance Date: 04/11/2025

Summary of Penalties for Inspection Number: 1814837

Citation 1 Item 1a, Serious	\$9,849.00
Citation 1 Item 1b, Serious	\$0.00
Citation 2 Item 1, Other-than-Serious	\$0.00
Citation 2 Item 2a, Other-than-Serious	\$0.00
Citation 2 Item 2b, Other-than-Serious	\$0.00
Citation 2 Item 2c, Other-than-Serious	\$0.00

TOTAL PROPOSED PENALTIES:	\$9,849.00
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Please remit payment promptly to this office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: Environment Department, Occupational Health and Safety Bureau. Please indicate OHSB's Inspection Number (indicated above) on the remittance.

OHSB does not agree to any restrictions or conditions or endorsements put on any check or money order for less than full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.



Gregory J. Marquez, Acting Section Chief

4/11/25

Date

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Environment Department
Occupational Health and Safety Bureau



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Pursuant to the New Mexico Environment Department Delegation Order dated February 19, 2024, the Cabinet Secretary has delegated the authority to issue this Citation and Notification of Penalty to the Occupational Health and Safety Section Chief.



Gregory J. Marquez, Acting Section Chief